[redacted], ET AL., APPELLANTS,

v.

[redacted].

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE [redacted] DISTRICT OF LOUISIANA

[redacted]

[redacted]

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1964

No. 67

LOUISIANA, ET AL., APPELLANTS,

vs.

UNITED STATES.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

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[fol. 458]

PLAINTIFF'S EXHIBIT No. 21E

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

CIVIL ACTION No. 2,548

UNITED STATES OF AMERICA,

Plaintiff,

versus

STATE OF LOUISIANA, ET AL,

Defendants.

DEPOSITION OF MRS. WINNICE P. CLEMENT, taken at instance of and on behalf of Plaintiff; on August 21, 1962, in the Caddo Parish Courthouse in Shreveport, Louisiana.

* * * * * * *

Mr. Dunbaugh: These are the depositions of certain witnesses, taken at the instance of the Plaintiff; commencing at 10:10 on the morning of August 21, 1962, pursuant to [fol. 459] notice and under the Federal Rules of Civil Procedure. Now, subsequent to the swearing of Mrs. Clement and prior to questioning her, or swearing or questioning any of the other witnesses, not yet called as a witness; Counsel for the respective parties are not able to agree as to whether or not the rules are to be invoked with respect to the other witnesses who were also subpoenaed to give their depositions. The Plaintiff's position is that it is entitled to invoke the rules, and that the witnesses who are waiting to testify shall not be present in the examining room during the testimony of the preceding witness.

The Defendants' position is that the rule does not apply, and that all persons subpoenaed have the right to be present during the taking of the deposition.

These depositions will proceed with the subsequent witnesses in the room.

[fol. 460] Mr. Kron: In the case of Mrs. Winnice P. Clement, Registrar of Voters of Webster Parish; Mrs. Clement is present but has indicated her intention to refuse to submit to the deposition, for reasons which she will, if required, state to the court, upon the order of the Court to present such reasons. For that reason, then, and making this statement for the record, Mrs. Clement will not submit to this deposition today.

Mr. Dunbaugh: Do I understand Counsel for Defendants say that Mrs. Clement refuses to be sworn; or is it that if she is sworn, she will refuse to testify.

Mr. Kron: That if she is sworn, she will refuse to testify.

Mr. Dunbaugh: Well, in that case I would like to have her sworn and let her make the refusal.

Mr. Kron: We will agree to have her sworn, and when the questions are asked, I, as Counsel for her, will then make the refusal on her behalf. Mrs. Clement will you [fol. 461] be sworn, please?

Mrs. Winnice P. Clement, witness called on oral examination by Counsel for Plaintiff; first duly sworn, did depose and say, to wit:

Examination.

By Mr. Dunbaugh:

Q. Would you state your name, please?

A. Winnice P. Clement.

Q. What is your address?

A. Minden, Louisiana.

Q. Minden, Louisiana. Do you hold a position in Minden, Louisiana?

A. Registrar of Voters.

Q. Of Webster Parish?

A. Yes.

Q. How long have you been Registrar of Voters in Webster?

A. Since September, 1940.

Q. Did you seek the job of Registrar of Voters?

A. I applied for it.

Q. What form did the application take; did you write a letter, or did you speak with someone?

A. I just asked—told them I'd like to have the job.

Q. Who did you speak with?

A. All of the Police Jury. There were nine at that time.

Q. Did you go to a meeting and speak to them as a group?

[fol. 462] A. No, individually.

Q. You went around individually and saw them?

A. Yes.

Q. Did they interview you?

A. No, they all knew me personally.

Q. How long after that were you told that you had the job?

A. Well, it was voted on at the first meeting. They met the first Tuesday of the month, on the first Tuesday in September; then I assumed the office the 15th.

Q. Did anyone explain to you what the job was?

A. No, I just walked in, and I went by the records in there and just proceeded.

Q. How did the vacancy occur?

Mr. Kron: I object to that question. Do you know that of your own knowledge?

The Witness: Yes, Mr. McGinnis resigned.

Mr. Kron: All right.

Q. Did Mr. McGinnis or anyone else explain to you what you were supposed to do?

A. Well, he would come in now and then and tell me a few things. He told me to ask him anything I needed to know, and I would ask him at various intervals.

Q. What did he tell you about the job?

A. Well, I don't remember; just certain things that I'd ask him.

Q. Had you been registered prior to the time you took office?

[fol. 463] A. Yes, I was a registered voter.

Q. Who was it that registered you?

A. John McGinnis.

Q. What did you have to do to become registered?

A. Fill out an application form.

Q. Did you have to do anything else?

A. That's all.

Q. When did you first register?

A. I don't remember. I came to Louisiana in 1930, and I had to be here two years.

Q. Yes, probably sometime in the 1930's, is that right?

A. Yes.

Q. And you had to register every four years after that?

A. Yes.

Q. And each time that you re-registered, you did not have to do anything more than fill out the LR-1 form?

A. Well, that's all I did, I just—

Q. When and where were you born?

A. Sir?

Q. Where were you born?

A. Gloster, Mississippi.

Q. Where?

A. In Amite County, Mississippi, in the town of Gloster.

Q. When was that?

A. In 1899, August 4th.

[fol. 464] Q. How much education do you have?

A. I went through high school, and then married.

Q. What had you done prior to being Registrar of Voters?

A. Just a housewife.

Q. When you became Registrar, did you study anything to find out what you would be required to do—?

A. The registration laws of Louisiana.

Q. Did you study anything else?

A. No.

Q. What procedures did you institute when you became Registrar?

A. I did like the Registrar before had done, I let them fill out an application and gave them a certificate.

Q. So that at the time you first became Registrar, the only requirement was to fill out the LR-1 form?

A. Yes.

Q. And how long did you keep using that procedure?

Mr. Kron: Now, at this point, where the line of questioning gets into the question of the issues of the administration of the Registrar's office; the witness will now take the position that it is to refuse further to submit to the questions in this deposition; and will, if ordered, give [fol. 465] her reasons therefore to the Court, on direction of the said Court; and refuses to go further into the answers at this time.

Mr. Dunbaugh: Do I understand that no grounds are stated at this time?

Mr. Kron: Not at this time.

Mr. Dunbaugh: Would the deponent's position be the same with respect to every question that I might ask along the lines of the questions I've asked the last two witnesses?

Mr. Kron: Yes; at this point, that is her position.

Mr. Dunbaugh: Then this deposition is adjourned until such time as it may be recommenced, for one reason or another.

* * * * * * * *

Witness excused.

[fol. 466]

PLAINTIFF'S EXHIBIT No. 21E

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

NEW ORLEANS DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA,

Plaintiff,

versus

STATE OF LOUISIANA, et al.,

Defendants.

DEPOSITION OF WINNICE J. P. CLEMENT, Registrar of Voters, Webster Parish, Louisiana; taken at instance of and on behalf of Plaintiff; on April 23, 1963, in Minden, Louisiana.

* * * * * * *

[fol. 467] Cross examination.

By Mr. Kauder:

Q. Would you state your name, address, age and occupation, please?

A. Winnice Clement, Registrar of Voters of Webster Parish, La.

Q. And your address?

A. Minden, Louisiana.

Q. And your age?

A. Let me stop and think; 64—63.

Q. Mrs. Clement, do you measure the qualifications of applicants for voter registration in Webster Parish?

A. Do I what?

Q. Do you measure qualifications, do you have to judge the qualifications of applicants for voter registration; do you have to say whether or not persons are qualified to vote, is that your job?

A. Well, by the tests they are given, I do.

Q. Yes; that is your job, is it not?

A. Yes.

Q. Now, in the course of determining whether persons are qualified to vote, have you in the last six months given the oral constitutional interpretation test?

A. Yes, I have.

Q. Have you given it to every applicant who has come to your office in the last six months?

A. Not everyone, but some I have.

[fol. 468] Q. Which ones do you give it to; or I'll put it this way: How do you decide whether or not you will give them the constitutional interpretation test?

A. How do I decide? Well, some of the elderly people, this card test confuses them, and they can interpret the constitution better, a section of it; and it's still on the book, and I asked someone if it would be all right to still do it. I didn't ask Mr. Kron, though.

Q. Well, who did you ask, Mrs. Clement?

A. I don't remember.

Q. You asked someone?

A. Yes.

Q. An attorney?

A. I don't remember, I believe so.

Q. But you don't remember who it was?

A. No.

Q. Now, Mrs. Clement, in the case of "USA -Vs- CLEMENT" which the Government has filed; in your answer to the Government's complaint in paragraph 11, through your attorney you state that in September, 1962, under mandate of the State Board of Registration you began to administer to all applicants, regardless of race or color, an objective written test for examination of citizenship; now, that's beginning September, 1962. Now, have you given every applicant for voter registration, since September, 1962, that multiple choice test?

[fol. 469] A. No, I haven't given it to everyone.

Q. In September of 1962, at that time did you start giving it to everyone?

A. Yes, I started it.

Q. And you ceased that practice?

A. Well, in those special cases.

Q. When did you first revert back to the old test?

A. I don't remember, because—

Q. You don't remember?

A. No, I don't.

Q. Well, would it have been shortly after you started the new test, would it have been last fall?

A. I just don't remember at all. We have so many in a day, and I just don't remember.

Q. Now, you said before that you saw that people got confused by the new test, and you would give them the old test because of that confusion; is that correct?

A. Well, for the elderly people, because they could interpret sections of the constitution better.

Q. Did you give the constitutional test only to elderly people?

A. Well, no.

Q. You gave it to younger people too?

A. Yes, I sure did.

Q. Now, in the last few months, Mrs. Clement, have you given the constitutional test to any persons, without first [fol. 470] permitting them to fill out an LR-1 application form?

A. No.

Q. Every person who has come into your office in the last few months has gotten to fill out the LR-1 form first?

A. No, not all of them.

Q. Some have not?

A. Yes.

Q. Now, if a person walks into the office, how do you decide whether you're going to permit them to fill out the application form first?

A. Well, I pass them the card tests, and they ask if they can interpret the constitution test; they believed they could do it better, and I let them.

Q. Now, if a person asks for the interpretation test, you give it to them?

A. Yes.

Q. What if they don't ask for it?

A. Well, sometimes I do, either way.

Q. Why sometimes do you give them the interpretation test, even if they don't ask for it?

A. Well, I just do.

Q. You just do it. Now, since, let's say, February of 1963—that's in the last two months; have you rejected any applicant because of his failure to interpret to your satisfaction?

A. I imagine I have; I don't remember any, I don't know.

[fol. 471] Q. You don't remember?

A. No.

Q. But you think you might have?

A. I imagine I have.

Q. Mrs. Clement, have you rejected any negroes in the last few months, because of their inability to interpret the constitution?

A. I imagine I have.

Q. Have you rejected any white persons because of their inability to interpret, in the last two months or so?

A. Well, I imagine I have, if I gave it to them and they failed it.

Q. Well, can you state—?

A. No, I cannot.

Q. Can you state whether you have rejected any negroes?

A. No, I don't remember.

Q. You just don't remember?

A. I mean, I just don't remember.

Q. Well, now, Mrs. Clement—

A. We have so much work in the office, I don't remember any particular one.

Q. Well, I'm not talking about a particular one, I'm talking about just anyone. Do you think that in the last few months you have rejected—?

A. I imagine, yes.

[fol. 472] Q. Both whites and negroes?

A. Yes.

Q. Would you say you've rejected more whites than negroes on the interpretation test?

A. I don't know that I have.

Q. Mrs. Clement, would your records show the names of every person who, in the last few months, has had to take the interpretation test?

A. No.

Q. So there are some persons who have had to take the test in the last few months, and your records will not show that?

A. No.

Q. Would that be because you gave them the test first—?

A. First, yes.

Q. —and they did not get to fill out the card?

A. That's right.

Q. When you give the test, Mrs. Clement—that is, the constitutional test, how do you decide what sectional portion of the constitution they will have to interpret for you?

A. I don't decide, I just open the book.

Q. At random?

A. That's right.

Q. You have no pre-selected sections?

A. No, I don't.

Q. So, any section that the book falls to would be the one [fol. 473] they would have to interpret?

A. That's right.

Q. Mrs. Clement, in the last several months, confining ourselves to that time; have you required any applicant to read and interpret as much as one full page of the constitution?

A. Well, I don't remember that, I don't usually pick them that long.

Q. Is it possible that one person could have had a full page?

A. I don't know; if the paragraph goes pretty far through the page, I might, but they don't have to memorize it or anything.

Q. I see—but it's possible they could have been required to at least read one full page?

A. Well, I don't remember that.

Q. Do you have an assistant or a deputy?

A. Yes.

Q. And what is that person's name?

A. Marcella Shaw.
Q. Marcella Shaw?
A. And Mrs. Darden.
Q. And Mrs. Darden?
A. Yes.
Q. Is Mrs. Darden a full-time deputy?
A. No, she just works two weeks each year in Springhill.
Q. And Mrs. Shaw, is she a full-time deputy?
A. Yes.
[fol. 474] Q. Does she work in Minden?
A. Yes.
Q. In your offce?
A. Yes.
Q. Have you instructed Mrs. Shaw in any way with respect to the interpretation test?
A. Yes.
Q. If you are out of the office, is Mrs. Shaw authorized to register applicants?
A. Yes.
Q. When you are out of the office, what test does she give?
A. Well, mostly the card test.
Q. Mostly or all of the time?
A. Well, all the time I guess, I don't think she asked them to interpret the constitution before we had the card test.
Q. Have you given her instructions one way or the other?
A. No.
Q. You just haven't instructed her at all?
A. No.
Q. She does work under your authority?
A. Yes.
Q. You are responsible for her work?
A. Yes.
Q. Now, I'll ask you again, Mrs. Clement: Do you give the interpretation test to every applicant who comes into the office?
[fol. 475] A. Not everyone, I—
Q. And again I'll ask you: How do you select the ones to whom you give it?
A. Well, I don't know, I just—some days I give it to—I had a negro in there the other day, he couldn't interpret the constitution, he passed the other test.

Mr. Kauder: I see. I have no further questions, Mr. Kron. Do you want to examine her yourself for "USA -Vs- LOUISIANA" now, or do you want to just continue on?

Mr. Kron: Well, no, I have no questions.

Witness excused.

[fol. 476]

PLAINTIFF'S EXHIBIT No. 21F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2,548

UNITED STATES OF AMERICA,
Plaintiff,

versus

STATE OF LOUISIANA, et al.,
Defendants.

DEPOSITION OF JOSEPH W. CRAWFORD, taken at behest of and on behalf of Plaintiff herein; August 21, 1962, in Caddo Parish Courthouse, Shreveport, Louisiana.

* * * * * * *

[fol. 477] JOSEPH W. CRAWFORD, witness called on oral examination by Counsel for Plaintiff; first duly sworn, did depose and say, to wit:

Mr. Dunbaugh: This is the deposition of Mr. Joseph W. Crawford, taken at the instance of the Plaintiff, commencing at 11:15 on the morning of August 21, 1962, pursuant to notice and under the Federal Rules of Civil Procedure. Subsequent to the swearing of Mr. Crawford, and prior to questioning him or swearing or questioning any other witnesses; Counsel for the respective parties were not able to agree as to whether or not the rules would be invoked with respect to other witnesses who were also subpoenaed to give their depositions.

The Plaintiff's position is that it is entitled to invoke the rules, and that the witnesses who are waiting to testify shall not be present in the examining room during the testimony of the preceding witnesses.

The Defendant's position is that the rule does not apply [fol. 478] and that all persons subpoenaed have the right to be present during the taking of the depositions. The deposition will proceed with the subsequent witnesses in the room.

Examination.

By Mr. Dunbaugh:

Q. State your name, please?
A. Joseph Walton Crawford.
Q. And your address, Mr. Crawford?
A. Coushatta, Louisiana.
Q. What position do you hold, sir?
A. Registrar of Voters, Red River Parish.
Q. How long have you been Registrar?
A. Since July of 1948.
Q. Did you seek the job of Registrar?
A. Yes sir.
Q. What did you do in seeking it?
A. Well, I applied for it.
Q. To whom?
A. Police Jury.
Q. And what form did that application take?
A. Well, it was no form to it, I simply applied for the job.
Q. Did you make an oral request for the job, or did you write a letter or what?
A. Oral.
[fol. 479] Q. To whom did you speak?
A. All of the Police Jury.
Q. Individually, or did you go to a meeting?
A. Individually.
Q. Did they interview you concerning the job?
A. No sir, they had known me all my life, I was born and raised in Red River Parish.

Q. How much education do you have?
A. High school and one year in college.
Q. What college did you attend?
A. Northwestern.
Q. That's at Natchitoches?
A. Yes sir.
Q. What had been your business prior to taking office as Registrar?
A. Farmer, bookkeeper.
Q. Where did you keep books?
A. In Coushatta.
Q. Some business in Coushatta?
A. Yes.
Q. What business?
A. I kept books for several of the service stations there.
Q. Were you a registered voter at the time you were appointed?
A. Yes sir.
Q. Who had registered you?
[fol. 480] A. The one prior to me was Lee Smith.
Q. What did you have to do to become registered?
A. I had to fill my application form out, LR-1.
Q. Nothing else?
A. No.
Q. When you applied for the job, did anyone explain to you what the job was about?
A. I received a book of instructions from the Secretary of State. We didn't have a Board of Registration then.
Q. What did this book contain?
A. It was pertaining to registration of voters, giving all the procedures for registering the voters.
Q. Well, was it a copy of the laws pertaining to registration?
A. Yes sir.
Q. Did it have any information along with it?
A. No sir, not that I can remember.
Q. Now, how did the vacancy occur when you became Registrar?

Mr. Kron: If you know this of your own knowledge.

A. I just don't know.

Q. Did anyone else explain to you what the job was about?

A. The Registrar of Voters that went out did, yes sir.

Q. Mr. Smith?

A. Yes sir.

Q. What did he tell you?

A. He gave me a general idea of working principles of the office.

[fol. 481] Q. What did he say?

A. It's hard to remember now.

Q. Well, I mean what did he say with regard to what your duties were and procedures to follow?

A. He showed me principally the main working principles of the office, and then it's up to a man, after he gets in there, to learn from experience and find out what he can do and what he can't do.

Q. Did anyone else explain anything to you about the job?

A. Well, I talked to the District Attorney, the District Judge and a couple of lawyers, getting the particulars of the office and laws.

Q. And what did they tell you?

A. Well, they gave me all the information and knowledge that they knew concerning it.

Q. Well, what procedures did you institute, then, at that time?

A. At that time we only had the LR-1 card to fill out.

Q. An applicant at that time merely had to fill out that card, is that right?

A. Yes.

Q. And what if they couldn't fill out that card?

The Witness: You mean on the illiterate clauses?

Mr. Dunbaugh: Yes.

A. They had to have two witnesses to witness that they could not read and write.

[fol. 482] Q. Did anyone who desired to register get turned away?

A. No sir.

Q. They could all register one way or the other, either by filling out the card or by registering as an illiterate?

A. Yes, at that time.

Q. Now, you said the prior Registrar, the District Attorney and District Judge explained th job to you, and that you got a pamphlet from the Secre of State?

A. Yes.

Q. Did you read the pamphlet over?

A. Several times.

Q. Did you read anything else?

A. I have read a lot of the rules, reports and opinions from the Attorney General concerning registering.

Q. Do you have any deputies?

A. No sir.

Q. Have you ever had any?

A. No sir.

Q. Now, since you first took office have you changed your procedures in any way?

A. Yes, we have changed them.

Q. When did you first change them?

A. I would say about 1956.

Q. What were the changes that you made then?

A. Changes were made to follow the letter of the law, [fol. 483] what the letter of the law called for.

Q. Why did you affect the changes?

A. I was authorized by the Police Jury of my parish.

Q. What form did that take?

A. Through a letter, a resolution passed in regular session.

Q. What did it say?

A. If you boil it down, it said the laws for registering voters were slack, that we should comply with the law and the Constitution of the State of Louisiana, and to administer the laws impartially.

Q. And what did you understand that to mean?

A. For me to go to the letter of the law, to tighten up on the registration laws on everyone.

Q. In what way?

A. By bringing in the constitutional test and filling out the LR-1 card correctly.

Q. Did you feel you had not then been complying with the law correctly?

A. We were all a little loose with it, yes sir.

Q. Why is it you had not given the interpretation test prior to that time?

A. I had never heard anyone else doing it.

Q. But you understood this resolution of the Police Jury to mean that you should start giving the interpretation test?

A. Yes sir.

[fol. 484] Q. Did they give you any instructions as to how you were to give it?

A. No sir.

Q. How did you give it?

A. Orally.

Q. What source did you use?

A. The Louisiana Constitution.

Q. A book similar to this one?

A. It's like it, yes sir.

Mr. Dunbaugh: For the record, the book I have shown Mr. Crawford is the Constitution of the State of Louisiana, as amended through election of November 2, 1954.

Q. You say it was a book similar to this one, but not the same as this one?

A. That's right.

Q. When did that start, when did you start using that?

A. I would say in 1956, somewhere along in there.

Q. Have you ever used anything else?

A. No.

(Colloquy of Counsel)

Q. I show you, Mr. Crawford, these several cards; have you ever seen any cards similar to these?

A. Yes sir.

Q. Have you ever used any cards similar to that in [fol. 485] administering the tests?

A. We used them for a while, yes sir.

Q. Well, when did you use those cards?

A. It must have been along in '57 or '58, somewhere along in there.

Q. Was that before or after you started using the book?

A. That was after we started using it.

Q. So that when you first started to give the test, you used the book?

A. Yes sir.
Q. Then you used a card later on?
A. Yes sir.
Q. Do you use the cards presently?
A. No.
Q. Well, what do you use now?
A. The book.
Q. The Louisiana Constitution?
A. Yes sir.
Q. So that you went from the Louisiana Constitution to the cards, then back to the Louisiana Constitution?
A. That's right.
Q. All right. Now, when you first started using the Louisiana Constitution, where did you get it, where did you get a copy of it from?
A. From—I went to a lawyer's office and got it.
[fol. 486] Q. In other words, after you decided what the Police Jury wanted you to do, which was to give the interpretation test, you went and acquired a copy of it?
A. I acquired a copy of the Constitution of the State of Louisiana.
Q. Did the lawyer give you this out of his own library?
A. Yes sir.
Q. How long did you use this?
A. I still use it.
Q. I mean how long before you started using the cards?
A. I don't know exactly, it couldn't have been long.
Q. A few months?
A. A few months, yes sir.
Q. Was this before or after the—well, let me establish first; did certain citizens purge the rolls in Red River Parish?
A. Yes sir.
Q. When did that take place?
A. The latter part of '56 I believe.
Q. Now, did you start the test before or after that?
A. I just couldn't tell you that.
Q. About the same time?
A. Just about the same time, I imagine.
Q. Now, when you first changed your procedure so that you started to give the test, what was your procedure

at that time? When an applicant first came in, what was [fol. 487] the first thing the applicant had to do?

A. Before I'd give the test?

Q. No. As I understand it, before you started giving the test, I believe you said that you simply gave him an application card and he filled it out?

A. The LR-1.

Q. Then after you started using the Louisiana Constitution, when you started using it for the first time, what was an applicant required to do then?

A. First he fills out his LR-1 card; if it is correct, then I give them a section of the constitution to interpret.

Q. Are you talking about now, or are you talking about when you first started using the test?

A. Then and now too.

Q. If they failed to fill out the card satisfactorily, what then—

A. It wasn't no use in giving the test.

Q. So he went no further?

A. We went no further.

Q. When you gave them the test, what did you do?

A. I let them read themselves and tell me what it means.

Q. How was it determined what they would read?

A. By me flipping to a section of the constitution.

Q. How did you pick out the section for him to read?

A. Just opened the book. I never tried to give them [fol. 488] anything hard to interpret. Most of the constitutional interpretation has been from the white people. The negroes that I have registered, they have satisfied me on the constitution. The majority of the others that have come in there have never gotten to the interpretation test, because they either can't read or write; but I have had some who would probably just look at it, and probably he would give me an answer for some other section.

Maybe I asked him on—say on the religious freedom clause—I believe it's Article 1, Section 4; if he could give me some kind of idea that he knows—could make me believe he knows simply what it means, well I'll accept that; but if he comes up and says "a search warrant is needed", or something like that, something he has been taught probably in school and got it all mixed up and put it in the

wrong place, I can't accept that; but if he can make me know that he understands and knows something about the workings of that section and what it means, that's all I need.

Q. Well, let me go back for just a little bit. After you were first given the Police Jury resolution, you stated that you understood that to mean that you were to start giving the interpretation tests?

Mr. Kron: Among other things.

A. Among other things, yes.

Q. All right. Now, did you inquire of any of the Police [fol. 489] Jurors as to precisely what they meant as to—first of all, that they meant you should give the test?

A. No, it specified in there.

Q. It specified definitely to give the constitutional test?

A. Well, no, it didn't specify that, it just said to follow all of the registration laws.

Q. Did any of the Police Jurors tell you that that was what they meant?

A. No sir.

Q. But you determined that that's what they meant, you decided that yourself?

A. Yes sir.

Q. Did you ask anybody or did anybody give you any information about how the test was to be given?

A. No sir.

Q. Did you discuss it with anybody, as to how you were going to start giving the test?

A. No, not particularly.

Q. You went to a lawyer and asked him for a book; when he gave you the book, did you discuss with him how the test should be given?

A. No sir.

Q. Had you ever studied the Louisiana Constitution prior to that time?

A. A little bit, yes sir.

[fol. 490] Q. Now, when you got the copy of the constitution from this attorney, did you read it over?

A. That's correct.

Q. Did you read it in its entirety?

A. Between now and then I have.

Q. But not right away?

A. Well, I'll guarantee you, between the Federal Government and the Board of Registration, they've made pretty good constitutional lawyers out of most Registrars of Voters.

Q. Well, when you first read it over, I take it you did read parts of it over prior to giving the test to anybody?

A. Yes sir.

Q. Did you determine then that there were some sections you would ask about and some sections you would not ask about?

A. Well, no sir, I didn't determine that. You always have to ask something that you can answer yourself, you know.

Q. Well, that's right. When you read it over, did you understand the whole constitution?

A. Yes sir—no, I didn't; it's no use me saying that, I didn't.

Q. So, is it true that when you asked applicants to interpret provisions of the constitution, you chose provisions that you yourself understood?

A. Yes sir.

Q. But that would not be all of the provisions in the constitution?

[fol. 491] A. No sir.

Q. Do you know which ones you picked out? Mrs. Culpepper was pretty definite in that respect, the ones she used, and—

A. I know two of the ones that I use principally; one of them is Article 8, Section 17 of the Louisiana Constitution—I believe I'm right.

Q. All right. What other articles have you asked about?

A. Article 1, Section 4 of the Louisiana Constitution.

Q. Any others?

A. Those are principally the main ones that I use.

Q. Do you ever ask about any others in addition to those?

A. No sir, these are the ones that I ask about.

Q. Only those?

A. Well, sometimes I get off on another one, just to break the monotony, but I couldn't tell you which one it was.

Q. How did you happen to pick those two?

A. Well, I tried to pick something pretty easy for a common man to tell me what it meant.

Q. Have you limited it pretty much to these two, with some exceptions as you say?

A. Yes sir.

Q. Always?

A. Yes sir.

Q. Except during the time you were using the cards?

A. Yes sir. Some of those cards are pretty hard.

[fol. 492] Q. Now, when an applicant reaches this stage of the registration, you take out the book and turn to one of those sections?

A. Yes sir.

Q. And what do you have the applicant do?

A. To read it.

Q. Out loud?

A. Well, he can if he wants to.

Q. Not necessarily, though, I take it?

A. No. He usually reads it himself, and he'll tell me in his own words, give me some way of knowing that he knows what he is reading.

Q. If there is a word in there that the applicant says he does not understand, will you explain the word to him, or try to explain it?

A. Well, I've never had one to ask me to, but I reckon I would.

Q. Is there any record kept of what provision you ask them to interpret?

A. No sir.

Q. Is there any record kept of the answer he gives?

A. No sir.

Q. At the time when illiterates were permitted to register, would you advise them as to what sections you wanted them to interpret, or did you require them to interpret it?

A. They were given the same test that you would have been given.

Q. Now, as I understand it, what we have been talking [fol. 493] about here with regard to tests, is the test that you first gave and the test that you now give, prior to and after the time you started to use the cards? You said, I

believe, that you used the Louisiana Constitution for several months, then you started to use the cards?

A. Yes sir.

Q. How long did you use the cards?

A. I would say about 3 or 4 months.

Q. And then you went back to the Louisiana Constitution?

A. Back to the Louisiana Constitution.

Q. And your procedure has been the same ever since?

A. Yes sir.

Q. With respect to the constitution, I mean?

A. Yes sir.

Q. During all of that time, has it always been that they would fill out the application card first?

A. First always, yes sir.

Q. Now, when you gave them cards—well, how many cards did you have?

A. Seems like it was about 12, the best I can remember.

Q. What did the applicant have to do with the card?

A. There were three questions on it, and he had to write his answer on the card.

Q. So that you had to have a fresh card for each applicant, then?

A. Yes sir.

[fol. 494] Q. Did you have the cards printed up, then, at the Police Jury's expense?

A. Yes sir.

Q. Where did you originally get the cards?

A. I don't know where it come from, to tell you the truth.

Q. How did you decide to start using the cards, rather than the book?

A. The Police Jury got them from some place; I don't know where they came from, they could have made them up.

Q. The Police Jury gave you these cards?

A. They could have made them up, yes sir.

Q. Well, what was your first contact with the cards, were you given a set and you sent them out to have copies made, or did you get a whole batch of them at one time?

A. They were made by M. L. Bath here in Shreveport.

Q. At your request?

A. At the Police Jury's request.

Q. Did anyone discuss with you the cards?

A. I don't think so.

Q. How did they come into your possession?

A. I knew that they were going to get cards, but, now, they didn't discuss them with me in any way.

Q. How did you know they were going to get cards?

A. Well, they told me they were.

Q. Who told you?

[fol. 495] A. The Police Jury.

Q. One particular member?

A. No, it was eight of them.

Q. At a meeting?

A. Yes sir.

Q. What was said about the cards at that time?

A. Well, there was nothing much said about them at all, only that they were going to—they figured it would be more sensible than taking the book. I would just have the cards and would let them write their own answers down to the section on the card.

Q. Were you invited to the Police Jury meeting to discuss this with them?

A. No sir.

Q. How did it happen to come up; where was this meeting?

A. It was a regular meeting.

Q. How did you happen to be there?

A. Well, I was in the courthouse.

Q. Do you recall how the cards first came into your possession?

A. No sir.

Q. Did anybody tell you what to do with them?

A. Well, a first grader could have looked and told what to do with them; it was just 3 questions on the card there and a blank space under each question, and you just write in the answer to it, it's simple.

[fol. 496] Q. Did you decide the cards should be used, and render a request for them?

A. No sir.

Q. Were you told to use the cards, instructed to use the cards?

A. Yes sir.

Q. By the Police Jury?

A. Yes sir.

Q. All right. When you started using the cards, how did you select which card the applicant would interpret?

A. It didn't make any difference hardly which one you selected, they were all jumbled up; probably one question was on a half-a-dozen cards, they were just mixed up.

Q. At the time you were using the cards, how did you determine which card an applicant would be asked about?

A. I just reached and grabbed a card, any of them, because a lot of them had the same questions on each card.

Q. Did you have more than one copy of each card?

A. Yes sir.

Q. How many copies of each card did you have?

A. Well, they come 100 to the bunch.

Q. You had 100 of each type of card?

A. Yes, at least a hundred, I don't know how many exactly.

Q. Were they bundled by cards, or were they bundled by sets of cards?

A. Each set of cards—there were about 12 cards, I be- [fol. 497] lieve, to the best of my knowledge, and they came 100 to a bunch.

Q. So there would be 100 No. 1 cards, 100 of No. 2 cards, 100 No. 3 cards, each in a different bundle?

A. Yes sir.

Q. Did you keep them that way in a drawer or somewhere?

A. Oh, yes.

Q. So, when you selected a card, you knew which number you were selecting?

A. They were numbered.

Q. What I'm getting at, Mr. Crawford, is that they weren't just a big bundle of all jumbled up cards—

A. No.

Q. —and you just reached in and pulled one out of the hat?

A. No, they were all in a separate package.

Q. So, when you picked out a card for an applicant, you knew he was getting No. 3 or No. 4 or No. 5, whatever it was?

A. That's right.

Q. Did you limit yourself to particular cards, or did you use all of them?

A. I used all of them.

Q. Did you have any particular ones that you used more than the others?

A. I tried to give the easy ones. That's one reason we went back to the book, because the cards caused too much confusion among both races, and it was trouble for a white [fol. 498] man to come in and fill some of the cards out, much less a colored man.

Q. Well, were some of the cards easier than other cards?

A. Well, yes sir, I reckon they was.

Q. And you tried to pick out an easy one?

A. Although some hard cards had some easy questions on them, we'll put it that way.

Q. You said, though, that you tried to pick out an easy one?

A. Yes sir.

Q. How did you determine when you were going to pick out the easy one and when you were not going to pick out an easy one?

A. Well, just look at it.

Q. Huh?

A. You can look at it.

Q. Well, I know, but I mean you say you usually tried to pick out the easy ones, so apparently sometimes you did not pick out an easy one?

A. Well, this Attorney Anderson, I give him one that—I don't remember what I give him.

The Witness: I believe you qualified on a card?

Mr. Anderson: I did.

The Witness: You sure did.

Q. You gave him a harder card than you ordinarily gave?

A. I imagine I gave him a pretty hard card.

Q. Why did you give him a harder card than you would someone else?

[fol. 499] A. Well, I figured he was capable of answering it.

Q. So that you would select a card that you thought the particular applicant would be capable of answering?

A. That's right.

Mr. Kron: May I conclude from that that negroes were given an easy card?

A. I gave them a fairly easy card, yes sir. We have turned to permanent registration since then, since January of 1961.

Q. Well, while we're on that subject, when you turned to permanent registration, did you blanket in everybody who had registered since January 1, 1957?

A. Yes sir.

Q. So that if someone had registered since January 1, 1957, he has not had to reregister since that time?

A. That's correct.

Q. Now, once an applicant had the card, you said he was to write the answer on the card?

A. Yes sir.

Q. Was he to answer all three questions?

A. All three questions, yes sir.

Q. Did he have to have all three questions answered correctly?

A. Yes sir.

Q. If he did not have all three answered correctly, would he fail?

A. Yes sir.

[fol. 500] Q. Did the person have a chance to fill out a second card—

A. Yes sir.

Q. —of the same card?

A. Yes sir.

Q. How many chances did he get?

A. I've given some of them as much as three in one day.

Q. And if they failed after three, then would they get another chance?

A. Not that day, no sir.

Q. When can they come back?

A. Well, I wouldn't tell them, because actually I don't believe it specifies in the law, I'd just tell them they would have to come back some other time. Actually there hasn't

been but two colored persons in my office to apply for registration since July of 1961.

Q. All right. Now, this business of giving them three chances, that applied when you had these cards; does it still apply?

A. It would, yes sir.

Q. You would give them three chances on the book, as well as on the cards?

A. Yes sir.

Q. Now, at the time you were giving them the cards, there had to be a record of the questions asked and the answers given, isn't that correct?

The Witness: On the cards?

[fol. 501] Mr. Dunbaugh: On the cards.

A. Yes sir.

Q. But no records for the period prior to that or the period after that?

A. No sir.

Q. What are you testing when you give them the interpretation test?

A. What do I test them for?

Q. What are you testing, what qualification are you seeking to determine?

A. I'm seeing if they have enough knowledge to tell me what they are reading, or what it's all about; to see if they have the knowledge to vote, to vote sensibly. Some people can memorize something like that and still not be able to know what it's all about, to even vote.

Q. Well, why did you give up the cards and go back to the book?

A. As I said a while ago, it was working too much hardship on both races.

Q. There were a lot of people who couldn't answer the cards?

A. Not directly.

Q. Did you have to reject a lot of people?

A. Yes sir.

Q. Since the Police Jury had told you to start using the cards, or at least—is that correct, that the Police Jury instructed you?

[fol. 502] A. Yes sir.

Q. Did they instruct you to stop using the cards?

A. Yes sir.

Q. When did they do that—or how did they do it, let's put it that way?

A. Well, there was no written agreement on stopping use of the cards, it was just an oral conversation.

Q. With whom?

A. With the Police Jury.

Q. Some particular members of it, or all of them?

A. Well, you would have to say all of them as a body.

Q. Was it a regular meeting that you attended?

A. No sir, I didn't attend the meeting.

Q. Well, how did they advise you to stop using the cards?

A. Well, they told me, told me it would be best for both races if I discontinued use of the cards.

Q. Did someone come to your office and tell you?

A. I don't know, that's been so long ago.

Q. What was said?

A. Well, just as we said, that it was working too much hardship on the people of the parish; we believed we could get along better by just using the book, that it would be less complicated, and we would still be fulfilling the law.

Q. Did someone say that too many people had failed?

A. No sir.

[fol. 503] Q. Since you've gone back to the book now, do most people pass?

A. Yes sir, those that can fill out a card usually pass, sure do.

Q. Does anyone ever fail on the test?

A. Not within the last year, I'll say.

Q. How many people have applied within the last year?

A. The last year; not too many. With permanent registration you don't have the rush that you once had under the old type registration, that knocks all that out. See, you have the book with people already registered. It's usually those who have become 21 or those who have moved in, something like that.

Q. Would you say 500 people have registered in the last year?

A. No sir.

Q. How many would you say?

A. I'd say about 200.

Q. About 200 have registered in the last year?

A. Yes sir, less than that.

Q. And none of those people have failed to interpret the constitution to your satisfaction?

A. No sir.

Q. How about in the year before that?

A. Well, we turned to permanent registration then, they were blanketed in on permanent registration.

Q. But during the time you were using the book after you gave up the cards—

[fol. 504] A. I turned down a lot, yes sir, sure have.

Q. On the book?

A. Yes sir.

Q. What would you turn them down for?

A. For probably giving me the—as I said a while ago, giving me an answer for another section and it not be the section I asked them.

Q. I show you Article 1, Section 4, which you said you used; would you read that, please?

A. "Freedom of religion. Every person has the natural right to worship God according to the dictates of his own conscience. No law shall be passed with respect to establishing religion, nor prohibiting the free exercise thereof; nor shall any preference ever be given to or any discrimination made against any church, sect or creed or religion or any form of religious faith or worship."

Q. All right. Now, what answer do you require there?

A. I would require that a man tell me that no law shall be passed favoring any one church or setting any one church up, and that no discrimination shall be made against any religion. That's enough; if he'll tell me that, well that's as far as I'd want him to go.

Q. Suppose he read that and simply said "freedom of religion"?

A. Well, actually that's what it is, freedom of religion.

Q. Would he pass the test?

[fol. 505] A. Yes sir.

Q. I didn't get your answer?

A. Yes sir—but if he comes and gives me an answer to that by saying "a search warrant" or something like that

is necessary; well I know that he don't know what he was reading, and I've had some of them to give me that answer.

Q. So you're testing really whether or not he can read?

A. No, I'm testing whether he has enough knowledge to know what he has read, that's what I'm testing. I know he can read and write or he never could have filled out the card.

Q. Now, you said that ordinarily you only ask about two sections, that section and Section 17 of Article 8?

A. Yes sir.

Q. What percentage of time would you say you ask those two?

A. Pretty well all the time.

Q. Have you ever made it known that those are the only two sections you're going to ask?

A. No sir.

Q. Do you ever ask any other sections?

A. Very seldom.

Q. How do you decide to ask another section?

A. How do I decide?

Q. How do you decide to ask another section?

A. Well, I just flip through there and find me one.

Q. Well, I mean, when an applicant comes up, what makes [fol. 506] you decide that you're not going to ask him one of these two sections, that you're going to ask him a different section?

A. I can tell by how long it takes him to fill out his card.

Q. What do you tell by that?

A. Well, he's pretty apt if he can fill his card out in about a minute or a minute-and-a-half.

Q. If he's good then you'll give him another section?

A. If he's good, I'll just flip—I'll give him that same section there.

Q. I'm sorry, I don't quite understand you; would you repeat that?

A. If he's that good, I'll give him that same section just to get through with him; in other words, I know he's qualified by the length of time it takes him to fill his card out.

Q. If he has a difficult time filling out his card—

A. Well, I'll still give him that section.

Q. Well, when do you give them the other sections?

A. Actually I'd say that I give that question—I'd say 99% of the time.

Q. Do you give one of these more than the other?

A. No sir.

Q. Just about the same?

A. Just about the same. My registration is very, very light since we turned to permanent registration, and some days I don't register anyone; in other words, sometimes I [fol. 507] couldn't ever remember what question I asked last, so I couldn't say that I'm partial to any one question.

Q. Well, in the very rare instance when you ask them to interpret a different section, what causes you to ask them a different question?

Mr. Kron: The witness has already answered that.

The Witness: I've answered it, yes.

Mr. Dunbaugh: No—

A. I just said it was to break the monotony once in a while, that's all.

Q. There is nothing about the applicant or the applicant's performance on the application card that makes you decide to ask another section?

A. No.

Q. It's just how you happen to feel that day?

A. No.

Q. Huh?

A. No, I wouldn't say that. Actually, if a man can tell me in his own words, and I know that he knows what he has read, I'm proud to see him register. In other words, I'm not trying to keep anyone from registering.

As far as the colored, as I've said I've only had two in there in the last year. Of course, neither one of them got to the constitutional test, and I'll tell you the reason why, because it's so few colored that come in to apply for registration.

[fol. 508] They were told that they had to register, in other words, to stay on the welfare rolls; well they were breaking their necks to get in there to register—and even that they had a picture in the voting machine, that if they didn't vote right that they would take a picture of them and see, and that they would knock them off.

Well, I've had numerous colored people ask me that, would they be taken off if they didn't register; I said, "You certainly won't," and so—

Mr. Anderson: What did they do then?

A. —consequently they just dropped the thing, they forgot it, didn't care anything about it.

Q. Do you follow these procedures that you've discussed here at all times; do you ever register out in the precincts, in other words?

A. No sir.

Q. When you have a last minute rush, before an election, to register, do you still follow the same procedure?

A. Yes sir, but we don't have any rushes now.

Q. Have you ever received any suggestion or instruction from anybody as to how to work this test, other than those you've already told us about?

A. No sir, none whatsoever.

Q. Have you received anything recently from the State Board of Registration?

[fol. 509] A. Only a set of registration forms, which I haven't had printed yet.

Q. Has anyone come in to speak to you about registration policies in the past?

A. No sir.

Q. Has anyone inspected your voter registration records, other than the Federal Government?

A. The Federal Government.

Q. How about in 1956?

A. No sir.

Q. At the time that the rolls were purged in Red River Parish, did somebody come in then?

A. Well, the Citizens Council.

Q. And what did they say?

A. Well, they didn't say anything, only that they was going to purge the rolls.

Q. Did they comment at all on your policies?

A. No sir.

Q. How many people did they purge off of the rolls?

A. I think about 800, something like that.

Q. And what, were they mostly negroes, or what?

A. The majority were negroes; it was some whites mixed in with them.

Q. About how many whites?

A. I'd say 25 or 30.

[fol. 510] Q. Has anyone from the Sovereignty Commission come around and talked to you about your registration policies?

A. No sir.

Q. How about the Joint Legislative Committee?

A. No sir.

Q. Has anyone from the Citizens Council talked to you about registration since 1956?

A. No sir.

Q. When they came in in 1956, did they tell you why they were purging these pepole off of the rolls?

Mr. Kron: I object to that, I don't think that has any part—or it has no issue in this proceeding whatsoever. The issue here is the constitutionality of the interpretation test, and not what the Citizens Council did or said in 1956; and I'm going to instruct my client not to answer that.

Q. In setting up the procedures for using the test—in other words, the way it would be given and what would be a satisfactory answer—has this been your own decision?

A. Yes sir.

Q. The method of giving the test is your own method that you devised?

A. Yes sir.

[fol. 511] Q. And what constitutes a satisfactory answer is your own—

A. My own satisfaction.

Q. No one has given you any guide-line to go by?

A. No sir, none whatsoever.

Mr. Dunbaugh: Thank you, Mr. Crawford, that's all. Do you wish to examine the witness at this time, Mr. Kron?

Mr. Kron: Only one question to clarify one point here.

Examination.

By Mr. Kron:

Q. Mr. Crawford, you stated that the method and the design of the test is of your own doing, that you give it like you think it should be given. Now, am I clear that in no case in the past, now or will you require a highly technical interpretation of any section of the constitution that you submit?

A. No sir, I don't.

Q. That you are looking for simple portions of the constitution to be interpreted, and looking for simple explanations thereof; primarily for the purpose of knowing whether or not a man can understand what he reads, and not necessarily a technical aspect of that interpretation; is that correct?

A. That's correct.

Mr. Kron: That's all I have.

[fol. 512] Mr. Dunbaugh: I have just a few more question, Mr. Crawford.

Re-examination.

By Mr. Dunbaugh:

Q. Since the State Board's letter of January 16, 1961—are you familiar with the letter I'm referring to?

A. No sir, I 'm not.

Q. There is a letter dated January 16, 1961, that the State Board of Registration sent out with suggested procedures; did you receive such a letter?

A. Yes sir, it seems like I did.

Q. Since that time have you had an oath card that you've added to your other records?

A. Yes sir.

Q. And since that time have you required applicants to read the preamble and write the preamble of the constitution?

A. No sir.

Q. You have not?

A. No sir. I require them to sign the oath, though.

Q. So that the present procedure is that they sign the oath card, they fill out the card, the application form—

A. LR-1.

Q. —and then take the interpretation test?

A. It's necessary, yes sir.

Q. There are not others?

[fol. 513] A. No other strings attached, that's it. In other words, I can determine whether a fellow can read and write while he is filling his LR-1 out; putting the necessary questions that's asked on the bottom of the card.

Mr. Kron: And whether he can understand what he reads, by the interpretation test?

A. Yes sir.

By Mr. Dunbaugh:

Q. Do you think you can tell whether or not he understands what he reads, if he is able to fill out the LR-1?

A. You pretty well can by the looks of his card, yes sir.

Mr. Dunbaugh: I have no further questions.

Mr. Kron: That's all, Mr. Crawford, thank you.

Witness excused.

[fol. 514] PLAINTIFF'S EXHIBIT No. 21G

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action File No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of Quitman Crouch, witness in the Federal Court Action, taken at the instance of plaintiff in the Fed-

eral Court Action, taken in the court room of the East Feliciana Parish Courthouse, located in Clinton, Louisiana, commencing at 10:30 o'clock A.M., on the 25th day of August, 1962.

Appearances:

Frank M. Dunbaugh, III, Esq., Department of Justice, Washington 25, D. C., for Plaintiff.

Harry J. Kron, Jr., Esq., Assistant Attorney General, For the State of Louisiana, Capitol Building, Baton Rouge, Louisiana, for Defendants.

[fol. 516] The Witness, QUITMAN CROUCH, After Having First Been Duly Sworn to Tell the Truth, the Whole Truth, and Nothing But the Truth, So Help Him God, Testified as Follows:

By Mr. Dunbaugh:

Q. What is your name and address?
A. Quitman Crouch, Montpelier, Louisiana.
Q. You are the Registrar of Voters of St. Helena Parish?
A. That's right.
Q. How long have you been registrar?
A. Since June of '59.
Q. Did you seek the job?
A. Well, I just was in between other jobs and I just happened to be there, and I needed work, so I taken the job.
Q. Did you apply for it by letter or orally, or—
A. Orally.
Q. Were you interviewed by anybody?
A. Police jury.
Q. What did they ask you?
A. Well, they asked me my qualifications as far as my schooling, ability to type—you know, use a typewriter, and my age, you know, and all such as that.
Q. Did anyone explain what the job would be?
A. Well, in what way do you mean, now?
Q. Well, what your duties would be?

A. Well, I mean, I had heard as local talk of what it would be, so the first thing I did, was to come to see Mr. [fol. 517] Douglas Fowler who was Director of the Board of Registration at the time, and talk to him, and he gave me the manual, the registrar's manual, and advised me to study it which I did.

Q. What does this manual consist of?

A. Well, it's just the laws that the registrars are required to go by.

Q. It simply has the Louisiana registration laws in it?

A. That's right.

Q. With no explanation of them?

A. Well, I mean, it's—in other words, you can run the office by it step by step. It's plain enough that you can get a good picture of what's to be done.

Q. Is this a white pamphlet put out by the Secretary of State—

A. That's right.

Q. —containing the registration laws—

A. That's right.

Q. —of the State of Louisiana?

A. That's right.

Q. Did Mr. Fowler tell you anything in addition to just giving you this booklet?

A. Well, his only advice to me was to study this pamphlet and run it the best of my ability, as fair as I possibly could which I taken an oath to do it.

Q. How old are you?

A. 28.

[fol. 518] Q. What education do you have?

A. High school.

Q. Were you a registered voter at the time you became registrar?

A. Yes, sir.

Q. Who registered you?

A. Mr. Nesom.

Q. What did you have to do to become registered?

A. Fill out the application card.

Q. Did you have to do anything else?

A. No, sir.

Q. After you became Registrar of Voters, what procedures did you adopt?

A. Well, you mean, the routine of the office?

Q. The routine of the registration procedure?

A. Well, I started—the manual requires for a person to be able to interpret a section of the Constitution, so I—there happened to be a section of the Constitution in the office, so I started with those, required them to read a certain section of the Constitution, and fill out the application on their own, without assistance from anyone.

Q. Was this the first time that the interpretation tests had been used in St. Helena Parish?

A. To my knowledge it was.

Q. Was it your own decision to start using it?

A. Well, it was a decision I arrived from by reading the [fol. 519] pamphlet. In other words, it was required by law.

Q. Did anyone suggest to you that you start using it?

A. Well, I've had—I had several suggestions about—like I told you, Mr. Fowler told me to run it according to the state law.

Q. Did anyone explain what that meant?

A. No, not—not directly, I don't guess you'd say.

Q. Did anyone tell you that you should start using the interpretation test?

A. Well, I can't—I don't get just what you mean by anyone telling me.

Q. Or suggest to you, let's say.

A. Well, I mean, it was like just general knowledge that most of my friends suggested to me to run it according to the law to stay out of trouble, because—in fact, when I taken the job, I didn't realize it was going to run into the complications it did. So after—I seen quick that I'd better brush up on the manual.

Q. You said that there was a copy of the Constitution in the office. Is that a Federal Constitution or a State Constitution?

A. It's a State—Louisiana State Constitution, amended through 1954, I believe and just like this one, yes, sir.

Q. Would you refer to that, please, and tell me where—did you pick out particular sections that you would ask about, or—

A. Yes, uh huh.

[fol. 520] Q. —did you ask about all of the sections?

A. Well, I mean, I picked out—I went through it and picked out some of the shorter, more simple ones that I figured the average person would be more apt to interpret, because I realized that most of them were like me, they're not lawyers, attorneys, whatever. It would be a hardship on them to have to get some long well-worded section.

Q. About how many provisions did you pick out as the ones you would use?

A. Well, I started off on the—most of it right here in the front on the Bill of Rights, then I picked on up some more shorter ones on over in it.

Q. When an applicant is asked to interpret, just how is this done?

A. Well, I just open the book and tell him to read this section and give me a reasonable interpretation of it.

Q. Is he to read it aloud to you?

A. Well, it's up to them.

Q. Does he give an oral interpretation?

A. Oral interpretation, that's right.

Q. Is any record made of the section that he's asked to interpret?

A. I make a notation on the little oath card that they are required to sign by the state laws, the section, the date that they're born, the date they were in the office, the section—the article and the section that they are required [fol. 521] to read and interpret. And I make a notation by it—if they give a reasonable interpretation, I put the O.K., if they fail, I put fail.

Q. Did you do that before you started using the oath cards?

A. No, sir, I didn't.

Q. When did you start using the oath cards?

A. Starting this permanent period during '61.

Q. Have you done it consistently during this period?

A. Uh huh.

Q. Is there any record made of the answer, or the interpretation given by the voter?

A. I have, oh, possibly 5 or 6 that I have a written record of it.

Q. Are those people who have passed, or people who have failed?

A. Some of them have passed, and some of them have failed. I mean, if they requested to make a notation of it, to write it, I just let them write it right on the oath card, right on the bottom.

Q. In deciding that you would use certain provisions and not other provisions, did you consult with anyone?

A. No, sir.

Q. Or get the advice from anyone?

A. No, sir.

Q. Those are your own selections?

A. They are my selections.

[fol. 522] Q. Could you tell us which sections you used?

A. I could pick out some of them. I wouldn't say I could pick them all out, like say start off here with Article I in the Bill of Rights running through one through seven.

Q. Article I, Sections one through seven?

A. Through seven. Then, let's see, over here on Article III, Section 31 and 37.

Q. Are there any others that you—

A. Oh, yes, uh huh.

Q. —can pick out?

A. This Article XIX of Section 3.

Q. That's Article III, Section 19?

A. Uh huh, yes, sir.

Q. Would you read the title just so that it will be clear?

A. Quorum; adjournments from day to day; compulsory attendance—that's Article III, Section 19. In the Constitution I had, I had it marked, you know, just—it seems strange handling a new one. Here's Article VI of Section 19, Performance of duties until successor inducted. We use that one quite a bit—oh, and Article III of Section 19—Treason.

Q. Wait a minute. That's Article XIX, Section 3 of Treason?

A. It's one more that I can't quite remember where the —it was the qualifications of the justice of the peace, is what it really was. It was in Section 47, but I can't turn [fol. 523] right off to it. It's Article VII, Section 47, and I believe that's about most of them offhand.

Q. When you first started out, you didn't use all of these?

A. No, sir, the first year or so I was in the office I just stuck with the Bill of Rights.

Q. Since then you have gradually added on to it?

A. Gradually added on it, and I'll tell you the reason for that is because the pages—you can imagine with people coming in with dirt on their hands, some of them coming from work, that the pages just completely got to where you couldn't read it at all. That's one reason I had to seek further in the book.

Q. When an applicant comes in, how do you determine which of those sections you will ask him?

A. I just flip to one and then just note—like I say I have cards in them. I just reach and pick up the book and hand them one.

Q. Are some of those provisions harder than others?

A. Well, I wouldn't think so. I think most of them pretty well—well, all of them pretty well explain themselves, and shouldn't—because, like I say, I realize those people are laymen like myself, and I stick to those short ones.

Q. Would you read Article II of the Bill of Rights?

A. "No person shall be deprived of life, liberty or property, except by due process of law. Except as otherwise [fol. 524] provided in this Constitution, private property shall not be taken or damaged except for public purposes and after just and adequate compensation is paid."

Q. Now, what sort of an answer would you expect to that?

A. Well, I have accepted—we'd say such as—people say, "Well, that's showing me my rights and my property and what can be done with it, and I have the right to go to court with just compensation for property," a lot of them refer to it similar to this Section 37 of Article III, you know, they just explain—I let them get off if they give me a for instance, like, say—"I got property or something and they

don't want to pay me what I think is fair for a right of way, that I had a right to go to court and sue for it."

Q. Would they have to say that it has to do with their property?

A. Well, yes, sir, and their rights, yes, sir, their life and liberty and such as that. Just as long as they kind of stay in line with something, because like I say, I realize that the average layman—that they are—that most of them are scared and confused, seems like, when they come in the office, because it's new to them.

Q. Does your copy have these bold faced headings?

A. Yes, sir. It's identical—the same as this one.

Q. On Article I, Section 4, if someone just said, "Freedom [fol. 525] of religion," would that be a satisfactory answer?

A. I have accepted it, yes, sir. Generally they'll say something like, "That gives me the right to go to the church of my choice." A lot of them will go into the history—that's the reason the United States was founded.

Q. Now, what sort of an answer would they have to give to Article III, Section 31?

A. Article III, Section 31—something like setting up the legislative bureau for the purpose of checking the constitutionality and duplication and legality of acts and bills and what have you. Most of them—just a lot of times they'll give me the answer that it's doing with the setting up of the legislative bureau, membership, duties, something like that. I accept that.

Q. If an applicant doesn't understand a word, will you explain it to him?

A. I will tell him the word.

Q. Will you define it for him?

A. No, sir.

Q. Have you ever published a list of the sections that you use?

A. No, sir.

By Mr. Kron:

Q. Is there anything in the law that requires you to publish that list?

[fol. 526] A. No, sir.

By Mr. Dunbaugh:

Q. Are you the sole judge of what is the correct interpretation?

A. Yes, sir.

Q. And have you set up these procedures as your own?

A. Yes, sir. I mean, referring to the state law I set it up on my own work, of course, with the state law or by using the sections of the Constitution for the interpretation test.

Q. Well, I mean the method of using the interpretation tests is something you've adopted on your own?

A. You mean—how do you mean the method—by letting them take this first and fill out the application later, or—

Q. By using these particular sections, using this particular Constitution rather than the federal Constitution, is that—

A. Yes, I set it up on my own, and the reason, though, that I didn't have a section of the federal Constitution in the office.

Q. Having oral answers rather than written answers?

A. Yes, uh huh.

Q. Have you ever given applicants any tests in addition to this?

A. Yes.

Q. What sort of a test?

[fol. 527] A. We have the understanding of the form of government of the United States.

Q. What sort of a test is that?

A. It's just questions on—like, who is Commander in Chief of the United States Armed Forces, or how many senators are elected from each state to the United States Senate.

Q. How many questions is each applicant asked?

A. Four.

Q. How many must they get correct?

A. Two.

Q. Is every applicant asked the same four questions?

A. No, sir.

Q. How many questions in all are there to draw these four questions from?

A. Twelve.

Q. Are they three sets of four questions, or do you just draw four out of the twelve?

A. I just ask four out of the twelve.

Q. Who devised the questions?

A. The Attorney General's office.

Q. When did you start asking these questions?

A. It must have been in August of—I'm pretty sure it was August of last year, 1961.

Q. Who suggested that you start asking them?

A. I called the Attorney General to discuss it with him, and I realized that I wasn't doing it, and I figured if it was [fol. 528] the state law, I'd better start doing it. So I called Mr. Gremillion, and he sent them out to me.

Q. He sent you the twelve questions?

A. That's right.

Q. Did he suggest how many an applicant—

A. No.

Q. —would have to answer—

A. No, sir.

Q. —and how many correctly?

A. No, sir.

Q. Was that strictly your own idea?

A. That was my own idea. I figured that was about as fair as the test could be. I mean, I could have asked the whole twelve, but I didn't figure that would be fair to the people, and by having to answer two out of the four, that would give us some pretty good odds on how many senators, and like I say, such as that, on the Constitution.

Q. Do you have a copy of those questions?

A. No, sir.

Q. Did the Attorney General provide you with the answers to those questions?

A. Yes, sir.

Q. Have you published those questions?

A. No, sir. I am not required by law to publish them.

Q. When did you first discover that there was a provision [fol. 529] in the Louisiana law—

A. Well, whenever it said they should have a reasonable understanding of their government, and it was brought out, I believe in the civil rights hearing, where they were sup-

posed to do it. So that's what got the question on my mind, the onliest reason I called the Attorney General.

Q. Did anyone suggest to you that you should have been asking this?

A. No, sir.

Q. Has anyone been around to your office to discuss your registration procedures and policies?

A. Well, I mean, what manner do you—I mean, I have a lot of people come in and ask me what do they have to do to register, or what's the new deal, or something like that, you know. And I explain to them that it's not new, it's been a law—most of it since 1921.

Q. Any people from outside the parish?

A. Well, I had members of the White Citizens Council come talk to me the first day I was in office.

Q. What did they say?

A. Well, they more or less wanted me to run it to suit them, and I told them I would run it according to state law.

Q. Anyone else?

A. Not right offhand, other than like I say, just people coming in and asking me. So far as anybody trying to [fol. 530] get me to do something, I didn't do it. That's been the only, I believe, that I—

Q. Has anyone from the Joint Legislative Committee been around to your office—the Joint Legislative Committee on Segregation?

A. Now, Senator Rainach was with them. I don't remember whether he was on the committee then or not.

Q. He was with them when they came around to your office?

A. Yes.

Q. What procedures did they want you to adopt?

A. Well, they wanted me to accept all of the challenged affidavits that they had.

Q. Who were they challenging?

A. Various citizens of the parish, you know, people that —some of them didn't live there, and they were challenging the cards that was improperly filled out.

Q. Has anyone from the Sovereignty Commission—

A. Yes, sir. I had—

Q. —been to see you?

A. Yes, sir. I had—I don't remember the gentleman's name, but he came by, but he was just checking on the procedure of my office, more or less what we are going through here today. He didn't give me any suggestions or tell me what I had to do, or what I couldn't do.

Q. Has Mr. Cutrer ever been to your office?

A. Mr. Hugh Cutrer?

[fol. 531] Q. Yes.

A. Yes, sir, he's been by. I called him several months ago, and asked him to come out. We were thinking about—the police jury was discussing setting up permanent registration, so I asked him to come out and explain it to them.

Q. Have you discussed the administration of the interpretation tests, or the duties and obligations tests with anyone from the state other than the Attorney General's office?

A. No, sir, not—not right offhand that I can think of. I mean, I told the gentlemen from the Sovereignty Commission what I did and the way I did it. So far as asking him his advice, I didn't do it.

Q. In administering the interpretation tests, do you want the applicant to—or do you require, I should say, that the applicant show to you that he understands these provisions as well as you do?

A. No, sir, I wouldn't say that I require them to do that, because I realize I sit up there and study them, and the person just has it put to him right there in front of him, and like I say, most times some of them are kind of nervous anyway because of the outside talk on the office that—

Q. How well should he understand these provisions?

A. I just think reasonable. It's something to what it's pertaining to. Naturally, if I let a man read one section—[fol. 532] like I say, if I let him read this Article II—Article I in Section 2, if his brother or somebody has been in the day before and read Section 4 of the same article, and I give him Section 2 and he gave me an interpretation of Section 4, I mean, I couldn't accept that. I don't accept it.

Q. In making up your own mind then as to what is a reasonable interpretation of these sections, have you studied anything in addition to the sections themselves?

A. Well, I've read—I'd say I used the library a good bit so far as history and whatever—just read a good bit. So far as studying the law, or something like that, I haven't made any effort to try to get any books from an attorney yet.

Q. Have you ever discussed these sections with an attorney?

A. No, sir, other than, you know, the Attorney General, but I haven't discussed these sections with him, but he's the only one I've discussed my office with—either he or a member of his staff.

Mr. Dunbaugh: Mr. Kron, do you have any questions?

By Mr. Kron:

Q. I think you stated you did not accede to the requests of the White Citizens Council—

A. No, sir, I did not.

[fol. 533] Q. —to run the office as they wished you to?

A. As I thought fair.

Q. Now, with the exception of the White Citizens Council, has there been any other official people who have told you, or suggested to you, or tried to influence you to run your office in any given way?

A. No, sir, it hasn't.

Q. When you called the Attorney General's office about this eitizenship test, you did so to seek advice—

A. Yes, sir.

Q. —and help—

A. Yes, sir.

Q. —but the idea of giving the test was your own?

A. It was my own, derived from, like I say, from the pamphlet and it's in the Constitution—State Constitution, and to the civil rights hearing in New Orleans.

Q. Has there at any time been anyone who has—in an official position—who has asked you to run your office in a manner calculated to deprive anyone of the opportunity to register?

A. No, sir.

Q. Has there been anyone in an official position, police jury, Attorney General, Sovereignty Commission, who have asked you to keep Negroes off the roll?

A. No, sir.

Q. Have you operated your office in any way with that [fol. 534] idea, or a design to keep Negroes off the rolls?

A. No, sir.

Q. That's all.

A. In fact, if I can make a statement, I believe, down deep, I try to be more lenient with the Negroes than I do with the white applicants for the reason of watching myself from discrimination of any sort.

Q. You are cognizant of the fact—

A. That's right.

Q. —that if you did discriminate, that you would be subjected to penalty?

A. Yes, sir.

Q. O.K.

A. Under the state law as well as the—

Q. Federal?

A. —federal.

By Mr. Dunbaugh:

Q. Have you received any instructions from the state recently concerning the new test?

A. I have received some cards that they advised me to have printed—to have prepared so when they send me some more information—

Q. These are cards with questions?

A. No, sir, this is the L.R. 1 card, revised.

Mr. Dunbaugh: I have no further questions.

Mr. Kron: That's all.

Witness excused at 11:02 A.M.

[fol. 535]

STATE OF LOUISIANA:
PARISH OF EAST BATON ROUGE:

I, Kathleen G. Bourgeois, reporter within and for the Parish of East Baton Rouge, State of Louisiana, do hereby certify as follows:

That the witness, Quitman Crouch, was duly sworn by me, appointed officer of the Court, to testify to the truth,

the whole truth and nothing but the truth, and that the foregoing deposition was taken by me and reduced to typewriting by me.

That the aforesaid deposition constitutes a true record of the testimony given by the witness, and that counsel agreed there was to be no stipulation attached to the deposition.

That Frank M. Dunbaugh, III, Esq., Department of Justice, Washington 25, D. C. represented the plaintiff, and Harry J. Kron, Jr., Esq., Assistant Attorney General for the State of Louisiana, Capitol Building, Baton Rouge, Louisiana, represented the defendants, and that each was present during the entire examination.

That the deposition was held in the court room of the East Feliciana Parish Courthouse, located in Clinton, Louisiana, on the 25th day of August, 1962, commencing at 10:30 o'clock A. M.

[fol. 536] That I am not an attorney or counsel for any of the parties, nor am I a relative or an employee of any attorney or counsel connected with this action, nor am I financially interested in this action.

Baton Rouge, Louisiana, this 4th day of September, 1962.

/s/ Kathleen G. Bourgeois
Reporter
Parish of East Baton Rouge
State of Louisiana

[fol. 537]
State of Louisiana:
Parish of St. Helena:

I, Quitman Crouch, witness in the above-entitled cause, do hereby certify that I have read the above and foregoing, and that it is a true and correct transcription of the testimony given by me on the 25th day of August, 1962, commencing at 10:30 A. M., in the court room of the East Feliciana Parish Courthouse, located in Clinton, Louisiana.

Greensburg, Louisiana, this 14 day of December, 1962.

/s/ Quitman Crouch
Quitman Crouch

[fol. 538]

PLAINTIFF'S EXHIBIT No. 21H

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action No. 2548

UNITED STATES OF AMERICA,

vs.

STATE OF LOUISIANA, et al.

The deposition of Charles H. Crain, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the office of Charles H. Crain, Registrar of Voters, Winn Parish Court House, located in Winnfield, Louisiana, commencing at 11:15 A. M. on the 8th day of October, 1962.

[fol. 539] The witness, CHARLES H. CRAIN, after having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. State your name, please.
A. Charles H. Crain.
Q. What is your address, Mr. Crain?
A. 317 North St. John, Winnfield.
Q. Where were you born?
A. I was born in Jackson Parish.
Q. And when were you born?
A. In 1902.
Q. How long have you lived in Winnfield?
A. Oh, I have been in Winnfield nine years.
Q. What education do you have?
A. Ninth grade.
Q. When did you become registrar of voters?
A. Fifteenth day of March, '62.

Q. You are the registrar now of Winn Parish?

A. Yes.

Q. When you first became registrar of voters, what procedures did you adopt?

A. Well, when I came in here, they was right in the middle of this permanent registration. And I took up like they had—like they was going on through. They had a—Mrs. Flournoy had a deputy over here, Mrs. Curry—Eula Curry, and we tried to carry it on like they was going on [fol. 540] through with it when I came.

Q. You mean in transferring from periodical to permanent registration?

A. Right, yes, sir.

Q. When an applicant for registration came in, what did you require him to do?

A. Well, he filled out the card just like they had been doing. They had one card to fill out.

Q. Did he have to do anything more than that?

A. No. Oh, he had to sign the permanent certificate outside of that, that was all.

Q. Have you ever required an applicant to interpret any provision of the Constitution?

A. No.

Q. Why haven't you done so?

A. Well, I haven't—I haven't had any orders not—to require it.

Q. Has anyone suggested to you that you ought to require it?

A. No.

Q. Have you had any of the difficulties with the White Citizens Council that Mrs. Flournoy had?

A. They haven't bothered me at all. They haven't been in here since I came in.

Q. I have no further questions.

Witness excused at 11:20 A.M.

[fol. 541]

PLAINTIFF'S EXHIBIT No. 21 I

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff

versus

STATE OF LOUISIANA, et al., Defendants

Deposition of MRS. PAULINE A. CULPEPPER, taken at the behest of and on behalf of Plaintiff herein; on August 21, 1962 in Caddo Parish Courthouse, Shreveport, La.

[fol. 542] MRS. PAULINE A. CULPEPPER, witness called on oral examination by Counsel for Plaintiff; first duly sworn, did depose and say, to wit:

Mr. Dunbaugh: This is the deposition of Mrs. Pauline A. Culpepper, taken at the instance of the Plaintiff, commencing at 10:10 on the morning of August 21, 1962, pursuant to notice and under the Federal Rules of Civil Procedure. Subsequent to the swearing of Mrs. Culpepper, and prior to questioning her or swearing or questioning any other witnesses; Counsel for the respective parties were not able to agree as to whether or not the rules would be invoked with respect to other witnesses who were also subpoenaed to give their depositions.

The Plaintiff's position is that it is entitled to invoke the rules, and that the witnesses who are waiting to testify shall not be present in the examining room during the testimony of the preceding witnesses.

The Defendant's position is that the rule does not apply [fol. 543] and that all persons subpoenaed have the right to

be present during the taking of the depositions. The deposition will proceed with the subsequent witnesses in the room.

Examination by Mr. Dunbaugh:

Q. Will you state your name, please?
A. Mrs. Pauline A. Culpepper.
Q. What is your address, Mrs. Culpepper?
A. Gibsland, Louisiana.
Q. What position do you hold?
A. Registrar of Voters, Bienville Parish.
Q. How long have you been Registrar?
A. Since March of 1950.
Q. By whom were you appointed to this position?
A. The Bienville Parish Police Jury, the governing body of the parish.
Q. Did you seek the job?
A. Yes.
Q. To whom did you apply?
A. The Police Jury.
Q. Who had been Registrar before you?
A. Mr. Nicholson.
Q. How did the vacancy occur?
A. He died.
[fol. 544] Q. Now, in seeking the job, did you submit some sort of an application or go to see someone, or what did you do to get it?
A. I wrote a letter asking them for an interview.
Q. And how were you advised you had gotten it?
A. Beg your pardon?
Q. How were you advised that you had gotten the job?
A. One of the Police Jury members came to the meeting that afternoon, from my ward, and said I had been approved for the position at the meeting, and that I would get a commission from the Governor later on.
Q. Did they interview you for the job?
A. I had my qualifications in my letter.
Q. I'm sorry, I didn't understand you.
A. I had my qualifications in my letter.
Q. I see. What did you set forth in your letter, do you recall?

A. No, I don't.
Q. When and where were you born?
A. Gibsland.
Q. And when was that?
A. May, 1914.
Q. And have you resided there all of your life?
A. Yes.
Q. What education do you have?
A. High school education.
[fol. 545] Q. What were your activities prior to the time that you became Registrar?
A. Well, I worked in an office for a lumber company, and worked in a general store.
Q. What sort of work did you do with the lumber company?
A. Bookkeeping, payroll.
Q. And in the general store, what sort of work did you do in the general store?
A. Clerking and keeping books some there too.
Q. Were you a registered voter at the time you were appointed Registrar?
A. No.
Q. Had you been a registered voter prior to that time?
A. No.
Q. When you took the job, did anyone explain to you what the job entailed?
A. No.
Q. How did you know what to do?
A. I read the rules and regulations, we had a copy of the rules and regulations.
Q. These are the registration statutes of the State of Louisiana?
A. Yes.
Q. Is that all you read?
A. At that time.
Q. What procedures did you institute at that time?
[fol. 546] A. I tried to follow the same procedures that Mr. Nicholson had used.
Q. Now, how did you know what he had been doing?
A. Well, I just registered people.

Q. Well, what did you do when a person came into the office and ask to register, what procedure did they have to follow?

A. Well, at that time I would just give them a registration card and ask them their age, where they lived in the state and parish, and then I would give them the application card and they filled it out, and I would register them. Of course, we had 4-year registration then, and we have permanent registration now.

Q. And if they had lived in the parish a sufficient length of time and were old enough—

A. At that time it was a year in the parish and two years in the state.

Q. And if they met this qualification and were old enough, were they then registered?

A. If they filled out their application.

Q. Well, suppose they could not fill out their application?

A. Then I turned them down.

Q. Were they able to register as illiterates at that time?

A. Beg your pardon?

Q. Were they able to register as illiterates at that time?

A. Yes, if they had two to sign the affidavit for them.

[fol. 547] Q. Was there any other test given, other than the filling out of the form?

A. No.

Q. What records were kept by your predecessor, what records did you find in the office when you got there?

A. The registration cards and the precinct books, our precinct records.

Q. And were they in good order when you arrived?

A. So far as I could tell.

Q. You said, I believe, that no one really explained to you what the job was about when you first took office. Did the Police Jury member who came to you and told you that you had the job tell you what the job was at the time?

A. Oh, I don't remember whether he did that or not.

Q. Well, what did you understand the job to be?

A. Well, I understood the job to be to register people; if they were qualified and came in to register, to have them fill out the application card and register them.

Q. Now, subsequent to the time you first took office, you changed your procedures; is that correct?

A. Yes.

Q. And what did the procedure then become?

A. You mean the procedure that I use now?

Q. No, the procedure that you used when you first changed. You said originally you only required that they [fol. 548] fill out the application card; and that sometime after that, as I understand it, you changed to include other things, the interpretation test and so on?

A. In November of 1955.

Q. In November of 1955?

A. Yes sir.

Q. And what were the procedures at that time?

A. The Police Jury asked me to comply with all of the registration laws of the State of Louisiana.

Q. And how did the Police Jury ask you to do that?

A. They called me into one of their meetings in November of 1955 and asked me to start complying with the registration laws.

Q. Were they more specific than that in telling you what you should do?

A. No, just to comply with the registration laws.

Q. Well, what did you understand that to mean?

A. Well, to comply with all of them, and they read the registration laws over.

Q. Did you feel that you had not been complying with them before that time?

A. Well, I hadn't followed all of them.

Q. When you had first taken office, you said that you read over the Louisiana Statutes. Now, among those statutes was the requirement that the interpretation test be given all applicants, was it not?

[fol. 549] A. The Registrar before me didn't use that.

Q. How do you know that?

A. Well, I had been registered myself.

Q. I thought you said you had not been registered prior to the time you took office?

The Witness: I thought you asked me had I been Registrar of Voters, didn't you?

Mr. Dunbaugh: Oh, no. No, I asked you if you had been registered prior to then?

The Witness: Well, I'm sorry, I misunderstood you.

Q. Then you had been registered?

A. Yes sir, I had been registered.

Q. And who registered you when you registered?

A. Mr. Nicholson.

Q. And at that time, then, what did he require you to do?

A. To fill out the application card.

Q. And nothing in addition to that?

A. No.

Q. Now, after the Police Jury instructed you to comply with all of the laws, what did you understand that to mean?

A. Well, I began to ask everybody—they had to have identification; you know, their driver's license or something like that to show that they had been in the parish and state—then it was two years but now it's one year; and in the parish it's six months, where it used to be in the parish [fol. 550] a year; and also took their driver's license, and I would question them as to what ward and precinct they lived in. Then I gave them a small section of the constitution to read and interpret before I gave them the application card.

Q. Now, if I understand you correctly, the first thing you did was to require that they identify themselves?

A. Yes.

Q. The second thing was that they interpret a provision of the constitution?

A. Establish the ward and precinct they lived in.

Q. And how would they do that?

A. Well, I would question them as to where they lived in the parish.

Q. And then thirdly the interpretation test, and then last the application test?

A. Uh huh. (Affirmative)

Q. Did you always follow that procedure?

A. Yes. I don't do that now, though.

Q. I understand that. Before you started giving the interpretation test, before November of 1955, I understood

you to say that applicants were sometimes rejected. Now, for what reasons were they rejected then?

A. Because they didn't fill out the card.

Q. They didn't fill it out at all, or they didn't fill out all of it?

[fol. 551] A. Well, some people came in the office and picked up the card and pitched it back at me.

Q. How about if they filled it out partially?

A. I would tell them they couldn't be registered, that they didn't qualify.

Q. All right. Now, when you started using the interpretation test, who instructed you as to—well, let's put it this way: Did anyone instruct you as to what that test was and how it was to be applied?

A. No.

Q. Did you consult with anyone about what you were to do?

A. No.

Q. What was your understanding of the test at that time, what did you think it was a test of?

A. I used the Constitution of Louisiana, because I didn't have a copy of the United States Constitution; and I thought that our people would be more familiar with our State Constitution.

Q. You used a book similar to this here, which is issued by the Secretary of State?

A. Well, mine is an old one, it's not new like that, and I have another one in the office that I use. Both of them are about to come apart.

Q. May I see that please?

A. Yes.

Mr. Dunbaugh: For the record, can we identify this, [fol. 552] Mr. Kron, as the "Constitution of the State of Louisiana, adopted in convention, City of Baton Rouge," dated June 18, 1921?

Mr. Kron: That's correct.

Mr. Dunbaugh: And I believe this is the 1921 edition, isn't that correct, Mr. Kron?

Mr. Kron: No, I don't know if that's correct or not.

Mr. Dunbaugh: Do you know whether or not this has been amended?

Mr. Kron: For purposes of the record and without defending the question you have asked me, I think you're going to find that whether or not this is an unamended edition of the Constitution used by Mrs. Culpepper will be of no consequence; because I know that she is going to show you a pattern of certain sections that were used in giving the test, and they were not, as in other cases, given at random through the constitution; so that whether or not it is an amended or unamended copy in this instance will be [fol. 553] of no consequence, but you can develop that as you go.

Mr. Dunbaugh: All right.

Q. Where did you get that book?
A. It was in the office.
Q. When you took office it was already there?
A. Yes.
Q. Do you understand everything that's in it?
A. No.

Mr. Kron: I object to that question.

Q. Do you use all of them?
A. No.
Q. What parts do you use, and what parts do you not use?

The Witness: Can I use this?
Mr. Kron: Yes.

A. I use Article 1, Section 2—
Q. May I for a moment change the question just a bit, because right now we're talking about the period right after November, 1955, and we'll say prior to November, 1960?
A. Well, probably I might have used some other sections before then, I don't recall, but these are the ones I've been using for a long, long time.

Mr. Kron: And only these?

A. Yes sir.

Mr. Dunbaugh: All right.

Mr. Kron: All right. Would you, then, read into the [fol. 554] record, the sections that you use as a test, please?

A. Article 1, Sections, 2, 3, 4, 6, 7 and 11; and—

Q. Wait a minute, now; Section 2—?

A. Sections 2, 3, 4, 6, 7 and 11; Article 2, Section 1; Article 3, Section 1, 37.

Q. Sections 1 and 37?

A. Yes sir.

Q. All right?

A. Article 10, Section 16; Article 14, Sections 1, 2 and 29.

Q. Those are the ones that you were using primarily during the period from November, 1955, until roughly November, 1960?

A. Yes sir, as well as I recall, that's correct.

Q. How did you select these sections to use?

A. Just in looking over the constitution and reading and studying it, I thought they would be the ones to use, ones that I could understand better myself.

Q. Have you received any instructions from anybody else as to the constitution?

A. No.

Q. All your study of the constitution has been self-study?

A. Yes.

Q. Do you have a Deputy Registrar?

A. Yes.

Q. Does the Deputy Registrar register people from time to time?

[fol. 555] A. Yes.

Q. What instructions have you given your deputy?

A. The same as I've given here.

Q. When was your deputy appointed?

A. Oh, just sometimes right after I took office.

Q. And what is your deputy's name?

A. Ester B. Caskey.

Q. Who appointed your deputy?

A. Well, I chose who I wanted, and then she was issued a commission from the Governor.

Q. Now, at the time she was appointed, you were not giving tests, is that correct?

A. I don't recall, I don't believe I was.

Mr. Kron: When was she appointed?

A. Just soon after I was.

Q. So that in November, 1955, you believe she was deputy at that time?

A. Oh, yes.

Q. Then did you instruct her as to what sections of the constitution to use?

A. Yes.

Q. And how to administer the tests?

A. Yes.

Q. What instructions did you give Mrs. Caskey?

A. Well, we just discussed the registration laws, and we [fol. 556] looked over the constitution and decided which ones we would give.

Q. Did she read it over too, the constitution you have?

A. Yes.

Q. All right. Now, when an applicant is to be tested, how do you select which of these provisions to give the applicant?

A. Well, I just open the constitution and whichever one I want to, I just give it to them, because they're all about the same length.

Q. Do you take the book and open the book yourself?

A. Yes sir.

Q. And pick some section out?

A. Yes sir.

Q. You have no particular method of determining which section a particular applicant will be asked?

A. No.

Q. Did you instruct your deputy as to what system to use?

A. No, just choose them at random.

Mr. Kron: You choose them at random?

A. Yes sir.

Mr. Kron: But among these particular sections?

A. Yes sir.

Q. Well, at random; you don't mean to say that you put all these numbers in a hat or something and pull out one?

A. No.

Q. You just thumb through the book and find a section [fol. 557] that you feel like asking him about?

A. Well, I have the constitution; see, I have my copy marked, the ones that I use.

Q. Now, prior to November, 1960, illiterates were permitted to register, is that correct?

A. I don't recall what date it was that we could register illiterates.

Q. Well, at one time after you started giving the tests, illiterates were permitted to register; isn't that true?

A. Yes.

Q. Now, in selecting a provision for illiterates, how would you select a provision for them?

A. In the same manner that I just stated.

Q. All right. Now, once you have selected the provision, what form does the question take, what do you do?

A. I ask them to read it and explain it.

Q. You hand the applicant the book?

A. I give them the book, and they keep the book until they have explained the section to me.

Q. What sort of an answer must they give, a narrative answer or—

A. Well, just a general answer, I don't mean for them to give it word for word; just to explain it in their own words, what it means to them.

Q. If they find one word in a paragraph that they don't understand, do you explain that word to them?

[fol. 558] A. No sir.

Q. Do you ever ask an applicant to define a word?

A. No.

Q. How about with illiterates?

A. Well, it's been so long since I've registered an illiterate until I don't recall.

Q. Well, did you read it to them?

A. Yes.

Q. And then they were to explain it?

A. Yes.

Q. Orally?

A. Yes sir.

Q. Was any record kept of the question that was asked, or the provision that they were asked to interpret?

A. No.

Q. Was any record kept of the answer that they gave?

A. No.

Q. From what you said before about the order of giving the test, I assume that if an applicant filled out an application card, either accepted or rejected, that the person passed the interpretation test?

A. I didn't understand that.

Q. You've said before that the interpretation test was given prior to filling out of the application form—

A. Yes, that was sometime back, but I don't know when [fol. 559] I started them the—it must have been sometime after 1960 that I gave the registration so I would have something to file in case they didn't fill out their application card; and they fill out the application card now, and then I give them the constitution and that's the last thing.

Q. At the time you were giving the constitution first, did you determine, prior to giving them the application card, whether or not they had satisfied the interpretation test?

A. Yes.

Q. So that during that period say, if an applicant filled out an application card, either successfully or unsuccessfully, that they must have passed the interpretation test?

A. They have to pass their interpretation test, then and now too.

Q. But even those who failed, if they filled out an application card at that time, must have passed the interpretation test or they would not have gotten an application card; is that true?

A. That's right.

Q. And then you said you changed it since that time; you give them the card first?

A. Yes.

Q. And then the interpretation test?

A. Yes.

Q. Do you recall when you changed that?

A. No, I don't.

[fol. 560] Q. Could you relate it to some other incident, was it before or after the trial of "United States Versus Association of Citizens Councils"?

A. I don't recall.

Q. Now, you said you have changed your procedures since this time that we've been talking about, but you're not sure when you changed them?

A. No.

Q. Did you change the material that you asked about?

A. No.

Q. In other words, you still ask about these same sections?

A. Yes. Oh, I might have used some other sections of the constitution, but I don't recall what it was, it's been so long; but I've been following just the same articles and using the same sections for a long, long time now.

Q. There has been no change in that huh—

A. No sir.

Q. —right through since November, 1955?

A. That's right.

Q. And I take it there has been no change in your method of selecting which section you're to ask them about, you just pick one at random out of these?

A. Well, I pick out one of these that I gave you.

Q. Is the only change, then, that you've made since November, 1955, that the applicants are given an application [fol. 561] card first instead of after they've passed the interpretation test?

A. Well, the first thing I give them is the little card that states they will faithfully abide by the laws of the State of Louisiana, and they have to sign that.

Q. The oath?

A. Yes, and date it.

Q. That's been added?

A. Yes. Then I ask them—they have to prove they can read and write; I ask them to read the preamble of the Constitution of the State of Louisiana, and when they have

read that I ask them to turn the card over on the back; and as I read it back to them, to write a portion of that as I read it to them, and that, of course, proves that they can read and write. Then after they do that, then I give them the application card, and I get up and go on about my business and they fill it out, the application. I take one person at the time and I give them plenty of time to fill out their registration card.

Q. And then you give them the interpretation test after that?

A. After they do their registration card, after they give it to me and tell me they have finished.

Q. Well, now did that change in procedure from what you were doing in November, 1955, did all of those changes come about at the same time; start reading the oath card, the preamble and change in the order of the test and the [fol. 562] application, did all of this commence at one time or—

A. Well, as far as the oath card and the preamble, that must have all came about the same time, because we got this from the State Board of Registration.

Q. Are you referring to the letter of January 16, 1961, from the State Board of Registration?

A. Yes.

Q. Now, it was at that time that you started the oath and preamble?

A. I believe so, but I'm not sure; I don't know whether we were giving those oath cards before then or not, I don't recall, I would have to go back and check my records on that.

Q. Now, in giving the preamble, you use the preamble of the Constitution of the State of Louisiana?

A. Of Louisiana.

Q. And what do you do, do you hand them the book?

A. I hand them the book and they read it.

Q. Out loud?

A. Yes. That's to prove that they can read. If they can't read the preamble of the constitution, I turn them down.

Q. Well, what would you consider an error in reading?

A. Well, if they can't pronounce the word, then I would think that would be an error.

Q. If there is any one word in here that's not pronounced, then you would reject them?

[fol. 563] A. That's right.

Mr. Kron: Do you do that for both white and colored?

A. Yes sir, every person.

Q. What words are most commonly mispronounced?

A. Well, liberty.

Q. What would some of them say rather than liberty?

A. Liability.

Q. And if they said "liability", you then would reject them?

A. That's right.

Q. Are there any others you can think of?

A. Political; politician.

Q. If they said politician rather than political, would you reject them?

A. Uh huh (affirmative), it says they must be able to read it, and that wouldn't be reading it correctly.

Q. All right. Now, after they have read that, what do they do next, write it?

A. Write a portion of it on the back of the oath card.

Q. Do they refer to the written copy, or do you read it to them?

A. I read it to them.

Q. What portion do you read?

A. "We, the people of the State of Louisiana, grateful to Almighty God for the civil—"; I have them write that.

Q. You stop with civil?

A. Yes sir.

[fol. 564] Q. In all cases?

A. In all cases, for everybody.

Q. And they write this on the back of the oath card?

A. Yes, on the back of the oath card. I have them all filed in my office.

Q. If someone didn't do this correctly, you would stop them at that time?

A. Yes.

Q. And what sort of errors do they make at this point?

A. Well, they will pronounce the words incorrectly in reading it, or if in writing it they don't spell it right.

Q. Which words are most commonly misspelled?

A. Civil and almighty—

Q. How do they spell civil?

A. —and grateful; spell grateful g-r-e-a-t-f-u-l; spell civil, s-i-v-i-l.

Q. And if they have made any one of those errors, they would be rejected at that point?

A. Yes.

Mr. Kron: Have you had any that were rejected—

A. I don't have—I don't remember whether I have any that have been rejected for that, but I would; but anyone that can read that sentence there, well they can write it I'm sure. I've noticed some have misspelled grateful and civil.

Q. And those who have misspelled it have been turned down?

[fol. 565] A. Yes.

Mr. Kron: And you've applied that rule to everyone alike?

A. Yes, yes sir, everyone writes that on the back of their oath card. It takes a lot of time to do all of that for the purpose of registering.

Q. With this reading and writing of the preamble, what are you testing for there?

A. What do I do—what?

Q. What are you testing the applicant for in giving him the preamble to read and write?

A. The first thing is to prove that they can read; in reading the preamble they can prove that they can read, and in writing a portion of it on the back of the oath card, that's to prove they can write.

Q. Now, with the interpretation test, what are you testing for?

A. Their qualification to register.

Q. Well, what sort of an answer are you trying to elicit on the interpretation test, that's what I was driving at?

The whole thing is to test their qualification to register, but I meant precisely what are you testing for in giving the interpretation test?

A. That's what I said, their qualification to register.

Q. Well, I know, and that's true of everything that you do, the whole procedure is to test their qualification; but [fol. 566] what particular qualification are you trying to elicit?

A. That they're able to interpret a section of the constitution. That's the law, that a person must be able to read and interpret a portion of the Constitution of the State of Louisiana, or of the United States.

Q. How do you determine whether or not the answer given of their interpretation is satisfactory?

A. Well, if he explains it the way I understand it, well I accept it.

Q. Well, for instance, let me show you Article 10, Section 16, one of those that you use; would you read that, please?

A. "The rolling stock operated in this state, the owners of which have no domicile therein, shall be assessed by the Louisiana Tax Commission and shall be taxed, for the state purposes only, at a rate not to exceed forty mills on the dollar of the assessed value."

Q. Now, what sort of an answer would be required to that?

A. Well, the rolling stock means trains hauling merchandise through the State of Louisiana, and the owners would live out of the state, their domicile, they would have no domicile therein; that they shall be assessed by the Louisiana State Tax Commission, and it shall be a tax for state purposes only.

Q. If someone were to answer like that, would you ask them then to explain what they meant by "assessed"?

[fol. 567] Mr. Kron: Or would you accept that answer as correct?

A. Yes; yes.

Q. Would you accept any less than that?

A. Yes.

Q. Well, what less than that would be acceptable to you?

A. Well, if they would say the owners were non-residents and that their rolling stock was from out of state, or something like that. I wouldn't expect them to give it just word for word.

Q. Would they have to understand what "rolling stock" means?

A. Yes sir.

Q. And they would have to understand what "not domiciled in the state" means?

A. Yes sir.

Q. If they failed in giving either of those two, would they be rejected?

A. Yes.

Q. If their answer isn't quite to your satisfaction, do you give them another opportunity?

A. Oh, yes, I'll give them several sections, and then if they don't, well I'll tell them they can come back at any time they want to; tell them to copy the constitution and study it.

Q. Well, what I meant was, if they were to read it—do they read it out loud to you, or do they read it to themselves?

[fol. 568] A. They can do either one that they wish.

Q. And then after they've read it and they give an explanation, suppose you don't feel that explanation is quite complete, do you tell them that?

A. Yes.

Q. And then do you let them go on with the same explanation, or are they stopped?

A. Well, if they don't feel sure about that one, I ask them if they would like to use another one.

Q. How many times would you do that?

A. Well, I have let them read three.

Q. You've given them three different sections to read?

A. Yes sir.

Q. And if they can satisfactorily answer any one of them—

A. That's right.

Q. You do that in all cases?

A. Yes sir.

Q. Before the applicant leaves, is he advised as to whether or not he passed the test?

A. Yes sir.

Q. Now I believe you said that when illiterates were registering, or when someone was registering under a physical disability, that the procedure is still the same?

A. Well, we don't register illiterates now.

Q. I know, but you'll still register someone with a physi-
[fol. 569] cal disability, will you not?

A. Yes sir, but I haven't in a number of years.

Q. Do you register out in the precincts?

A. No sir.

Q. You used to, though?

A. Yes.

Q. Were your procedures the same out in the precincts as they were in your office?

A. Yes.

Q. How about if you have a great number of people wishing to register at one time, I believe you said you took them one at the time?

A. One at the time.

Q. Do you still, in that instance, give them 3 chances on the interpretation test?

A. Yes, I've never rushed anyone.

Q. Had that ever resulted in some being left, at the end —at the closing of the books without being afforded an opportunity to register?

A. I don't believe, I've taken them all.

Q. How big a group do you ever get at one time?

A. Well, since we have permanent registration we don't have so many to come in; I'd say 10 or 12.

Q. In one day?

A. You know, that would be sitting at one time.

[fol. 570] Q. At one time; I see. Have you recently gotten instructions from the State Board of Registration, any new instructions?

A. No sir.

Q. Nothing since January of 1961?

A. I have some new registration cards, but I don't have any new instructions.

Q. You mean application forms?

A. Yes.

Q. But no new instructions as to the tests you give and so forth?

A. Oh, no.

Q. Has anyone, other than in connection with the lawsuit in Bienville Parish and this lawsuit, spoken with you concerning your registration policies and practices?

A. No.

Q. Has anyone inspected your voter registration records?

A. Well, the FBI inspected them in 1960, I believe it was; '59 or '60.

Q. Well, in 1956, of course, the Citizens Council inspected your voter registration records, isn't that true?

A. Yes.

Q. And did they speak to you at that time concerning the registration policies and practices?

A. No.

Q. Has anyone from the Sovereignty Commission spoke with you?

A. No.

[fol. 571] Q. And the Joint Legislative Committee on Segregation?

A. No.

Mr. Kron: Anyone from the Attorney General's Office, about your policies?

A. Well, the only one I've talked to is you, I think.

Q. Now, I didn't quite get clear on one point. In giving the interpretation test, are you testing then their ability to read when you give the interpretation test, ability of the applicant to read?

A. Well, the registration laws say they must be able to read and interpret a section of the constitution.

Q. You are testing, then, their ability to understand the constitution?

A. To understand it.

Q. To understand those particular provisions of the Constitution that you ask about?

A. Yes.

Q. Now, it's hard to pin this down I realize, but how well must they understand it; do you have someone in the back

of your mind that you know that you think is qualified at the minimum level, whose performance they must match?

A. No.

Q. Do you follow what I mean? Must they be able to understand it as well as you understand it?

A. Well, most of them seem to. The questions that I [fol. 572] give, anyone that can read and understand anything, well they can read and explain that.

Q. Well, the question really is to how well they must understand it. Now, is it permissible for them to understand it less than you do, or not?

A. Well, now I don't know whether they will understand it whenever they get out of the door or not, but as long as they're sitting there and reading it and explaining it to me, and it satisfies me, well I register them. If they can't remember it when they get out of the door, well I can't help that.

Q. Well, what I'm trying to get to is what satisfies you, how well they must understand it. Necessarily you cannot test them as to whether or not they understand it better than you understand it, but the question is: Can they understand it less than you understand it, and still pass?

A. Well, I don't quite understand what you want me to say.

Q. Well, for instance, I'm sure that you are well acquainted with people that probably are not as well qualified as you are, who do not understand the constitution as well as you do—

A. Yes, I understand that.

Q. —who still, in your opinion, have qualified to vote?

A. Well, if they are able to read and explain the section that I give to them, fill out their application card correctly, then I feel like they are qualified.

[fol. 573] Q. Must they be able to understand it as well as the ordinary citizen would understand the same thing; is that your test?

A. Well, I wouldn't say that; just so it satisfies me, that's all.

Q. Must he understand it better than the average man would understand it?

A. No.

Q. But as well as the average man understands it?

A. As well as the average man, I guess.

Q. Or can they get by if they understand it a little less than the average man?

A. I think I've told you about all I could on this, I don't know how—

Mr. Kron: I think your question is becoming repetitious, and if Counsel will permit me, I think with one question we can tie down what you're driving at.

Mr. Dunbaugh: Proceed.

Examination.

By Mr. Kron:

Q. Just answer this question, then, Mrs. Culpepper: Actually, in all cases, whether black or white, the only determination you make as to their failure to satisfactorily interpret a section of the constitution, is if they cannot read and interpret it at all; is that correct?

A. Yes sir.

Q. So that any small or reasonable interpretation of what they have read, after having been handed the book by you, satisfies your requirement as to the interpretation?

[fol. 574] A. Yes sir.

Mr. Kron: All right. That's all.

Mr. Dunbaugh: I believe that's all. Thank you, Mrs. Culpepper.

Witness excused.

[fol. 575]

PLAINTIFF'S EXHIBIT No. 21J

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

STATE OF LOUISIANA, et al., Defendants.

DEPOSITION OF MR. WOODROW W. FARRAR, taken at instance of and on behalf of Plaintiff herein; on August 23, 1962, in Ouachita Parish Courthouse, Monroe, Louisiana.

* * * * * * *

[fol. 576] Examination.

By Mr. Dunbaugh:

Q. State your name and address, please?
A. Woodrow W. Farrar, Spearsville, Louisiana. That's my home address; my office address is Farmerville.
Q. And you are the Registrar of Voters of Union Parish?
A. Yes sir.
Q. How long have you been Registrar?
A. Since January of 1954.
Q. Did you seek the job?
A. I tried for it, sir.
Q. How old are you?
A. Forty-seven.
Q. And where were you born?
A. I was born at Lillie, Louisiana.
Q. Is that in Union Parish?
A. Yes sir.
Q. Have you resided in Union Parish all your life?
A. Yes sir.

Q. How much education do you have?

A. I have high school and a BS Degree from Louisiana Tech.

Q. Had you been a registered voter at the time that you were made Registrar?

A. Yes sir.

Q. Who registered you?

[fol. 577] A. Mrs. Turnage, the Registrar who was there before I came.

Q. What did you have to do to become registered?

A. I made out the application form and she issued me a certificate of registration.

Q. The LR-1 form?

A. I beg your pardon.

Q. The LR-1 form?

A. That's the application, yes sir; the application for registration.

Q. Did you have to do anything else other than fill out the application form?

A. No sir.

Q. When you took the job—when you first assumed duties as Registrar, did anyone explain to you what your job was about?

A. Yes sir, I was explained to what it was about.

Q. Now, who explained the job to you?

A. I had with me, who is my deputy now, a lady who had been working in the Registrar's office for some time, I don't know exactly how long; and she went through it as much as she could and helped me as much as she could and then I read the registration procedure time and time again, sir.

Q. What's her name?

A. Mrs. Melba W. Frazier.

Q. Was she a deputy for your predecessor?

A. I assume she was, she worked in the office.

[fol. 578] Q. So that she's been working in the office longer than you have, actually?

A. Yes sir.

Q. What did she explain to you the job to be?

A. The job is to register voters, Mr. Dunbaugh. I don't know—that's the only meaning I can get out of your question.

Q. Well, what procedures did you follow when you were first Registrar?

A. When we first started we followed the same procedure that my predecessor did, just filling out the application form.

Q. Have you changed the procedure since that time?

A. Since that time our application has had some changes made in it, and naturally that would be a change of procedure there; and also since that time, we ask each applicant who registers to interpret a part of the Constitution of the State of Louisiana or the United States Constitution.

Q. When did you start asking about the constitution?

A. The latter part of '56.

Q. Had there been a purge of the voter rolls at that time?

A. There was, or challenges of voters in '56.

Q. And did you start using the tests just after that?

A. Along about the same time.

Q. Why did you start to use the interpretation test?

A. That, to me, according to the state law, in order for a person to become fully qualified to vote, that is part of [fol. 579] the procedure; I just hadn't been applying it before.

Q. Why hadn't you been applying it before?

A. I wasn't urged to apply it and there was no demand for it, and I just didn't apply it.

Q. In late 1956 were you urged to apply it?

A. We were—the only thing that I have ever been urged to do is to go fully by the law, and I saw that was part of it so I—

Q. Who urged you to do that?

A. The Police Jury. The only thing they have ever asked of me—we work for the Police Jury, and the only thing they've ever asked of me is to apply the law impartially to everybody, and to go to the letter of the law, and I do that.

Q. When did they advise you to do that, and how did they advise you to?

A. I don't remember the meeting day, but I met with the Police Jury, and I talked to them individually; and that's all they have ever told me to do, is just apply the law.

Q. I mean, did they tell you this in 1956?

A. I don't remember if it was in '56 or not, sir.

Q. Well, was it at the time that you did start using the test, that the Police Jury told you to start applying the test or to apply the law as fully as you say?

A. I would think that it would be in '56, but now I'm not for certain on the exact date of that.

Q. Did anyone else talk to you at that time and suggest [fol. 580] that you start using the test?

A. Mr. Dunbaugh, I've been talked to by lots of people, and I wouldn't try to quote them or anything about it; but I expect you could find more smart Registrars in the State of Louisiana than you would anywhere, and there's 64 in the state—and all of them don't live in Louisiana either.

Q. Well, what I'm getting at is, that when you started to use the tests, I wondered what brought about the change from not using the test to using the test?

A. Well, I can't give you any exact reason, I just started using the—adding the constitutional part to the registration procedure.

Q. Did anyone other than the Police Jury urge you to apply the laws more fully than you have been?

A. Not especially; just any reliable citizen that you talk to, well he'll just say, "Well, apply the law;" that—that's all that I do.

Q. When you started to apply the interpretation test, what then were the steps in the registration procedure?

The Witness: You want me to just outline the steps, just suppose you'd come in to register?

Mr. Dunbaugh: Yes.

A. If I don't know the person personally, well, I ask him does he have identification. If he has that, then I present him with the application for registration; and if he fills it [fol. 581] out properly, well then I ask him to interpret a clause of the United States Constitution or the Constitution of Louisiana, one clause.

Q. Has this order been changed at all since 1956?

A. Not that I know of, sir.

Q. When you started to use the test, did you consult with anybody about how you should apply the test?

A. I wasn't required to consult with anybody.

Q. But did you consult with anybody, ask anyone about it?

A. No sir, I went according to the instructions on the registration procedure.

Q. What instructions were those?

A. We had an outline in the—it's a little booklet put out by the Secretary of State, Registration of Voters, and the whole laws are condensed in that booklet. I wouldn't try to enumerate them because I don't have that book by memory.

Q. What form are the clauses in that you would ask an applicant to interpret; are they on cards or in books or sheets of paper?

A. We have worn out, I believe, three State Constitutions and 2 or 3 copies of the United States Constitution.

Q. Books?

A. Yes sir, the books.

Q. Do you use two different books, then?

A. Generally speaking—well I'll say all the time, prac- [fol. 582] tically, we stick with the Bill of Rights, because I don't add the constitution interpretation to my registration procedure with the intention of disqualifying anybody, I do it to meet the full requirement of the law.

Q. You said the Bill of Rights; did you mean the Federal Bill of Rights or the State Bill of Rights?

A. Well, there's a Bill of Rights in both of them.

Q. You use both?

A. Yes sir.

Q. Do you sometimes ask anyone to interpret something other than one of the sections or one of the clauses in one of these two Bills of Rights?

A. When a person tries to interpret—I may be too lax on them, I don't know, but if he fails to interpret the first clause that I give him, I'll give him two more at least and see if he can interpret them; and then if he does nothing with them, many times—I haven't done that all times, but many times I have asked him just to pick out any part of the constitution and see if he could interpret that.

Q. How do you select the first provision that you show him or ask him to interpret?

A. Well, we have a right to select any clause that we want to.

Q. How do you select them, though, do you open the book and—

A. I just open the book and pick out one that I want him to interpret.

[fol. 583] Q. How do you determine what particular one you will ask the particular applicant?

A. It's just about a ene-mene-minee-mo situation; I don't particularly try to match any clause to any particular person.

Q. Now, you said that ordinarily you will ask about the Bill of Rights—?

A. Yes sir.

Q. —in either the State or Federal Constitutions?

A. And mostly the State Constitution.

Q. Mostly the State Constitution?

A. Yes.

Q. Do you limit it to particular portions of the Bill of Rights or do you include all of that?

A. I have one clause is all that I require a person to read and interpret.

Q. I show you a copy of the Louisiana Constitution; could you pick out of there the particular clauses that you ordinarily ask about?

A. For instance, in this right here, I never ask a person to interpret this whole section of the constitution—

Mr. Kron: Identify that; which section are you talking about?

A. Section 2 of the Bill of Rights, Article 1; and I'll confine that to, "No person shall be deprived of life, liberty or property except by due process of law." I stop right there.

[fol. 584] Q. Do you use all the other sections in there, in that Bill of Rights?

A. Not necessarily so, I just pick out one and let a person interpret it.

Q. Well, I mean which ones do you use and which ones don't you use, that's what I'm getting at?

A. I couldn't tell you, point out exactly every one that I've used since I've been Registrar, Mr. Dunbaugh.

Q. Now, when you open the book and pick out a section, what must the applicant do?

A. I have him to read it.

Q. Out loud?

A. He doesn't have to read it out loud.

Q. And then what does he have to do?

A. He tells me what it means.

Q. Is there any record made of the section that he's asked to interpret?

A. I don't ask him to interpret a section.

Q. Well, the clause that he's asked to interpret, is there a record made of that?

A. The ones who qualify, I don't make a record of it; but the ones who didn't qualify, I do make a record of.

Q. What form does that record take?

A. Beg your pardon, Mr. Dunbaugh?

Q. What sort of a record do you make?

[fol. 585] A. I just write it down on the application.

Q. On the LR-1 form?

A. On the LR-1 form.

Q. What do you write down?

A. I just put down he failed to interpret, and I give the—I identify the part of the constitution that he failed to interpret.

Q. When he answers or gives his interpretation, is that given orally?

A. Yes sir.

Q. Then there is no record made of what interpretation he gave?

A. If he gave it correct, there is no record.

Q. And if he gave it incorrect, is there a record made of the interpretation that he gave?

A. I just said there was, yes sir.

Q. Well, you said that there was a record made of what he was asked to interpret, correct?

A. Yes; well, if he fails to interpret, I make a record of what he failed to interpret.

Q. But no record of what he said?

A. No sir.

Q. No record of the interpretation that he gave?

A. No sir.

Q. What sort of an answer do you consider to be satisfactory, what must the applicant display to you to satisfy [fol. 586] you that he passes requirements?

A. Well, that would depend on the clause that I asked him to interpret.

Q. But speaking generally, can you say what it is you're trying to get him to show to you?

A. I don't know exactly what you are getting at. If I knew that, well, I'd know more about how to answer.

Q. Suppose we take Article 1, Section 4. If a person were asked to interpret that and said, "Freedom of Religion," would that be a satisfactory interpretation?

A. Yes sir.

Q. Did the copy that you use have the bold heading on it, "Freedom of Religion," just as that does?

A. It surely does, it has it right up there in front, and then a lot of them failed to see it.

Q. What I was trying to get at before was, are you trying to determine whether or not the applicant is able to read?

The Witness: Able to read and write?

Mr. Dunbaugh: To read, because you don't have illiterates—

A. I don't think that was what the law was made for, Mr. Dunbaugh. Now, this man could maybe tell you more about what it was made for in the beginning. Now this constitution was established before I became Registrar, and I don't know what the meaning—what the intention was in the beginning.

[fol. 587] Q. No, I'm trying to determine what you're seeking from the applicant in asking him to interpret the constitution?

A. I'm just asking him if he can interpret the part that I gave him, in order for him to meet the full requirement to register, that's my only incentive.

Q. Well, that's just to satisfy you that he is able to read it?

A. If he fills out his application form and meets every requirement, and then interprets the clause of the constitu-

tion I give him; what happens to him from there on, I don't know. I register him if he meets every requirement.

Q. You said that you sometimes ask a person to explain the first part of Section-2; what sort of an explanation do do want for that?

A. Well, I give every person the benefit of doubt, Mr. Dunbaugh, in their explanation. Now, your explanation as a lawyer might be entirely different from mine, not being a lawyer; but I accept from a person—if he says that you can't hang a man without a trial, I accept that; or that you can't take his property without it going through law, I accept that, and I give him the benefit of the doubt every time. If I think he's on the right track and understands what he's talking about, and he gives me one of those answers like that, I accept it; and I think I'm right in accepting it.

Q. Now, you decided somewhere along the line that you would limit your questions pretty much to these Bills of [fol. 588] Rights, is that correct?

A. I wanted to follow this process, Mr. Dunbaugh. Now, you as a lawyer, if you'd come in, well, like I said, I ask every person—even our District Judge, when he came through, and registered I asked him to interpret a part of the constitution. Every lawyer we have registered in Union Parish will do that, and you go through the files and select any man that you want to that—I don't care who he is, or what color he is—and if he'll tell the truth, he'll tell you that he interpreted a part of the constitution.

Well, like I said, I didn't do that to try to disqualify anybody, I did that to meet the requirements of the law; and so help me, if they put it in the law that a person had to stand on his head to meet the requirements, there would be somebody with knots on their heads, because I would carry out the law; that's what I'm there for.

Q. Would you give the lawyers a more difficult provision to interpret?

A. Beg your pardon.

Q. Would you give the lawyers a more difficult provision to interpret?

A. No sir.

Q. The same provisions that you gave to the others?

A. I just picked out a part, I didn't try to single out anybody; and if a fellow comes in and can just barely write his [fol. 589] application, I don't try to make it easy for him or harder for him.

Q. Now, in determining that you're not going to ask applicants about other sections of the constitution—there are other sections in there that you do not ask applicants about, is that right?

A. There's a lot of them in there that I've never asked an applicant.

Q. Why don't you ask them about those?

A. I know there are parts of this constitution that I couldn't anymore tell you what it means than if I didn't exist, and I couldn't expect a person—you asked me how much education I had, and I told you I have my BS Degree.

Well, I'm not bragging about that, understand, but a lot of people haven't been that fortunate; and if I don't understand it myself, I couldn't expect a person with maybe a fifth, sixth or seventh grade education to interpret it. I believe in the Golden Rule.

Q. If a person does not fill out the LR-1 satisfactorily, do they go on to the interpretation tests, or do you stop them at that point?

A. I stop it at that point, because there's no use having him to go through the other part if you know you're not going to register him in the end.

Q. And if an applicant has failed for any reason, do you [fol. 590] advise him of the fact that he has failed?

A. Yes sir, I tell him right then.

Q. Do you advise him of the reason that he failed?

A. I tell him there, I tell him how many errors there are. I don't point them out on the card, but I tell him how many errors there are on his card.

Q. Well, if he has failed on the interpretation test, you tell him that?

A. Yes sir.

Q. Have you heard that other Registrars use the test differently than you do?

A. Mr. Dunbaugh, I don't make it my business to try to find out what the exact procedure that anybody else follows, and I don't go in other people's offices meddling with it. Now, I go according to instructions as they are explained to me and as I interpret it, and I'm trying to do it right.

Q. Well, what I meant was that some Registrars may use some cards or some other method of asking for an interpretation?

A. Well, if they do that's their business.

Q. In determining that you would do it this way, and in determining what answers would be satisfactory to you, are those your own decisions?

A. Now, wait a minute, let's go back there a little bit. Now, in doing it what way, the way I'm doing it?

Q. Yes. In determining that you would question people [fol. 591] about the constitution by having them read from a book rather than from cards, or using this provision rather than some other provision; is that your own decision?

A. That's my own decision.

Q. You haven't been advised as to what way to do it?

A. No sir.

Q. Or what provisions to use?

A. That was my own decision.

Q. And in determining what answers are satisfactory, or what level of performance would satisfy you; is that your own determination?

A. That's my—that's left up to the individual Registrar exclusively right now.

Mr. Dunbaugh: That's all.

Mr. Kron: I have no questions.

Witness excused.

[fol. 592]

PLAINTIFF'S EXHIBIT, No. 21K

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action No. 2548

UNITED STATES OF AMERICA,

vs.

STATE OF LOUISIANA, et al.

The deposition of Mary C. Flournoy, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the office of Charles H. Crain, Registrar of Voters, Winn Parish Court House, located in Winnfield, Louisiana, commencing at 10:40 A. M., on the 8th day of October, 1962.

* * * * * * *

[fol. 593] The witness, MARY C. FLOURNOY, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, so help her God, testified as follows:

By Mr. Dunbaugh:

Q. What is your name?
A. Mary C. Flournoy.
Q. And what is your address?
A. Beg pardon?
Q. Your address, please?
A. Route 2, Box 12, City of Winnfield.
Q. Were you formerly the registrar of voters of Winn Parish?
A. Yes, from '57 until '62.
Q. When and where were you born?
A. Tallahatchie County, Mississippi—out from Philipp, the little town of Philipp.

Q. And about how old are you?

A. You shouldn't ask that; I'm retired. I was 66 last August the 21st.

Q. How long have you lived in Winn Parish?

A. Since 1924—1924.

Q. How much education do you have?

A. Through the ninth grade.

Q. Was that here or in Mississippi?

A. Mississippi.

Q. Were you a registered voter at the time that you were appointed registrar?

[fol. 594] A. Yes.

Q. What did you have to do to register?

A. Oh, I made out just a card of application.

Q. Did you have to take any interpretation tests?

A. No.

Q. When you became registrar of voters, what procedures did you adopt?

A. Well, the same procedures—just the application card, just the, you know, plain application card of registration. You had to answer all questions on it.

Q. Did you ever require applicants to interpret the Constitution?

A. I did, yes.

Q. When did you—

A. After that law passed in—it was—went into effect November, 1960, wasn't it? November, 1960, I used it for a while.

Q. Prior to November, 1960, did you use it?

A. After.

Q. Afterwards?

A. We were only required to use it after it went into effect in 1960.

Q. And how long did you use it after that?

A. Well, I used it up until we moved over here. That was in—up in April, '61, wasn't it?

Mr. Crain: Yes, ma'am.

[fol. 595] By Mr. Dunbaugh:

Q. When you administered the test to an applicant, what exactly did you have the applicant do?

A. I had them read the Constitution card and tell me what it meant.

Q. Did you have provisions on a card?

A. We had some of those Constitution cards that—I don't know whether Mr. Crain still—I had put them away before I left here—

Q. Well, let me show you—

A. —and I didn't bring my glasses, went off and forgot them.

Q. Mrs. Flournoy, let me show you Appendix B to the government's complaint in this case and ask you if you recognize what that is?

A. That's right. That's the one. Those are the same cards, we had 25 of them.

Q. Now, when an applicant came in, how did he get a card?

A. We selected one at random from the drawer and handed it to him. They didn't have any trouble answering most of them.

Q. Did you have a whole set of cards in the drawer?

A. We had 25.

Q. And then you would select one?

A. Just select one at random, we never did pick any out, we'd just select one at random.

Q. What was the applicant supposed to do then?

[fol. 596] A. Tell us the meaning, what the card meant, read it and tell us what the card meant.

Q. Did the applicant have to read it out loud?

A. Yes.

Q. Did he have to read all three sections?

A. The questions that was on that one side, yes, he'd read all three of them.

Q. And did he have to explain all three?

A. Well, it only required one, explain one.

Q. If an applicant was able to explain one, but was unable to give any explanation of the other two, would he still pass?

A. Yes.

Q. Were his answers written down?

A. No, it's oral.

Q. Was the card saved—

A. We kept it.

Q. —with his application?

A. No.

Q. So that after an applicant was through, was there any record kept of which card he had gotten?

A. No, he was supposed to have passed and be registered if he interpreted the card. There was no notation made.

Q. If he failed, was—

A. That was our law that we went by.

Q. If he failed, was there any notation made?

A. No.

[fol. 597] Q. Now, where did you get the cards?

A. They were sent to us by the state.

Q. Do you recall who in the state sent them to you?

A. No, I don't. They came to us in the mail, and I don't really remember who sent them. You know these things come and you just—

Q. Well, let me show you Appendix C here of the complaint—

A. Oh, no.

Q. —and could you look at that, please?

A. (The witness so did.) Well, that was what—we got that, you know, when we were told to use the cards.

Q. Did you get a letter like this?

A. Yes.

Q. From the Joint Legislative Committee?

A. Yes.

Q. Now, that was in 1958. How was it that you did not use the cards until 1960?

A. Well, they didn't get them printed, I don't suppose, and around; because I didn't get mine until after November. That was when it went into effect. You see, they passed that act in 1958, I think; and anyway, we didn't get our cards until November.

Q. Now, after—

A. It was possibly 1959 we got those cards, maybe.

Q. All right. In 1961 you said you stopped giving that?

A. Yes, I did.

Q. Did you give any other tests?

[fol. 598] A. No.

Off the record discussion.

By Mr. Dunbaugh:

Q. I'm sorry, now, after 1961, you say you stopped giving the tests?

A. Yes, and I'll tell you why. Hugh Charles Mitchell in Shreveport came out publicly that he was not using the cards—you know, in the paper. And I said until they got uniform laws, I wouldn't use them. Until every parish had to use those laws, you know, I wouldn't use them.

Q. So, then, you went back to just the application?

A. That's right, but it caused, you know, friction with some people. I had a scene here in the office one time when an army officer and his wife came in to register. And just the idea of a test, she got nervous, and she couldn't give her interpretation of the card and he got mad and she finally got it, but when she left she was almost in hysterics. And that was one of the reasons I quit it, too. About that time Mr. Mitchell come out with the—that he was not using it, so that just let me out. I said, "I won't have a disagreeable scene like that any more."

Q. Now, in 1958 was your office visited by members of the Joint Legislative Committee on segregation?

A. Listen, I was in trouble with them all the way—with the Citizens Council here and the Joint Legislative Com-

[fol. 599] mittee—Rainach was head of it—and Mr. Rainach —it seemed to me like at that time, he wanted to take over the office.

Q. What did he do?

A. Well, you know, he was running for governor before that and so I—oh, just odds and ends, he was in and out of the office.

Q. Did Mr. Rainach come into this office with Mr. Shaw?

A. Yes.

Q. And Mr. Garrett?

A. Now, I don't believe Mr. Garrett was with them when Mr. Shaw was with them.

Q. I see.

A. It was Mr. Rainach and Mr. Shaw.

Q. And anyone else?

A. And they wanted—they made photostats of a lot of the cards. There was—

Q. Did Mr. Smith come with them?

A. Stanley Smith?

Q. Yes.

A. Yes.

Q. Who was he?

A. Well, he was president of the Citizens Council, wasn't he? Anyway, something of the Citizens Council.

Q. Did other members of the Citizens Council come in with him?

A. Yes, Hiram Wright, the attorney.

[fol. 600] Q. Did they want to challenge voters on your rolls?

A. Yes.

Q. Now, the first time they came, is it true that they did challenge some voters at that time, about 29 or 30?

A. Yes, they did.

Q. Were those—

A. The reason I had trouble with them, I asked them to take the cards as they come and challenge the defects, not considering anybody, you know—to just anybody's card that had a defect, challenge it. I'd cooperate. But they didn't want to do it like that.

Q. What did they do?

A. Those people wanted to pick out the cards, and that's why we had trouble.

Q. Well, what do you mean—how did they pick out the cards?

A. They brought a list along of the people that they wanted to challenge, and they picked out that card in the file.

Q. Were they challenging the Negroes and not the whites?

A. They were challenging whites, too.

Q. Well, in the 30 or so that they challenged, were they mostly Negroes?

A. Well, predominantly, yes.

Q. Do you recall how many were whites and how many were Negroes?

A. It was about—it was about 7 whites.

Q. And about how many Negroes?

[fol. 601] A. Well, the rest of the—I forget how many. We had thirty—37, I believe.

Q. All right, now, after—

A. But the Negroes' cards were, you know, more mistakes on the Negroes' cards.

Q. Were there whites that they did not challenge that had the same mistakes as the Negroes had?

A. Yes. The funny part, they had defects on their own cards—

Q. The Citizens Council members, you are talking about?

A. —and they got their cards and corrected them. That's where we had a real scrap.

Q. Did you, then, testify before Mr. Rainach's committee or were you called for appearance—

A. Yes, I was called before the committee. He—when I locked the door to him, you know, well, he created real trouble then. So then the whole—full committee met here, and I was called to testify before it.

Q. What did they tell you?

A. They gave me a clean bill of fare. All of those committee members, except Rainach, said they would have done the same thing. They all, you know, agreed that what he was trying to do was not right.

Q. I am going to show you Appendix A in the complaint, and ask you to look at that.

A. (The witness so did.)

Q. Do you recognize what that is?

[fol. 602] A. Yes.

Q. What is that?

A. Well, we had that little booklet on that.

Q. Where did you get the little booklet?

A. Mr. Rainach brought it down, those little papers.

Q. Did Mr. Rainach tell you to use the little cards?

A. You mean those Constitution cards?

Q. Yes.

A. No, he did not. He didn't have anything to say about that. And I wouldn't call them little. The ones we had were big.

Off the record discussion.

By Mr. Dunbaugh:

Q. This may refresh your recollection. I am going to show you a newspaper clipping from the Times Picayune of October 4th, 1959.

Mr. Dunbaugh: Mr. Kron, would you mind if I show it up so she can refresh her recollection.

Mr. Kron: No, I want to see what it is though.

Mr. Dunbaugh: I am going to direct her attention to a quotation over here. Do you see what I mean?

Mr. Kron: Yes.

By Mr. Dunbaugh:

Q. If you would read here, Mrs. Flournoy.

[fol. 603] Mr. Kron: May I suggest that you read the portion aloud that he is referring to, please.

Mr. Dunbaugh: Yes.

A. From here down or just this—just this or the whole—

By Mr. Dunbaugh:

Q. Well, let me look at it, please. Well, I am particularly interested in this quotation right here where you are quoted as:

A. "I am going to have this—" —"I am going to have this run according to law," she said. "Rainach told me if I can't—" —"if I can't fail them any other way, I could pull those Constitution reading cards on them. I wrote the attorney general about that and he said I could use them but not for discrimination."

Q. Does that refresh your recollection on that?

A. That's correct.

Q. Did Mr. Rainach tell you that you could pull those cards on them?

A. Yes, he did, but you understand, Mr. Rainach at that time was running for governor. And I have had no trouble since then. It was strictly Mr. Rainach, politically then.

Q. In 1959 you again had trouble with the Citizens Council?

A. Yes.

Q. What did they do at that time?

A. Well, they were challenging voters, and no one would [fol. 604] help except Hiram Wright and Stanley Smith, and—

Q. Were they again challenging Negroes and not whites?

A. They were challenging a few whites, but mostly Negroes.

Q. And were they—

A. And, you see, Stanley Smith was—that was politics, too, because Stanley was running for—wasn't it representative he was—

Mr. Crain: Senator.

A. Senator, that's right. He was running for senator, you see, so that was politics again, just local politics.

By Mr. Dunbaugh:

Q. Again, were they challenging Negroes whose cards had errors on them?

A. Yes.

Q. And not challenging the whites whose cards had the same errors on them?

A. Well, they were not challenging as many whites. They challenged a few whites, but not too many.

Q. Did they leave whites on the rolls who had made the same errors as the Negroes that they challenged?

A. Yes.

Mr. Kron: One moment, Mrs. Flournoy. Is this line of questioning directed on these challenges insofar as the interpretation test was concerned?

Mr. Dunbaugh: Is this on the record, do you want this—

[fol. 605] Mr. Kron: Yes.

Mr. Dunbaugh: All right. This line of questioning is toward the allegations in the complaint concerning the purges and the defining—

Mr. Kron: With respect to the interpretation test as such?

Mr. Dunbaugh: Yes.

A. Well, we were not using—

Mr. Kron: Wait, Mrs. Flournoy.

A. Excuse me.

Mr. Kron: At that point I would like to object to any testimony—or rather any questioning with respect to the purges conducted by the Citizens Council or any members thereof, which purges had nothing to do with the use of or the administration of the Constitutional interpretation tests, said questions being completely irrelevant and immaterial to the issue involved in this suit. Having registered said objection, I now advise Mrs. Flournoy to answer if she wishes. Now, what was the last question, please, ma'am?

[fol. 606] The reporter repeated the question.

A. Well, there was no question whatsoever of the cards in that mess. It was strictly political between, you know, that challenging—locally, at that.

By Mr. Dunbaugh:

Q. Well, when did you leave office?

A. March—this March, '62—March the 12th.

Q. Why did you leave office?

A. I had reached 65 and was retired.

Q. Did you leave office voluntarily?

A. No, not voluntarily, although my resignation was in for May. My resignation had gone in for May the 15th.

Q. Why did you leave sooner?

A. Oh, a little local political scramble—one wanted their man in, and so another wanted his man in—the two factions.

Q. Were you removed by—

A. The police jury—removed by the governor, yes.

Q. You were removed by the State Board of Registration?

A. That's right.

Q. Did they state any reasons for their removal?

A. None whatever.

Q. Did anyone express to you that they were dissatisfied with the way you were operating—

A. No.

Q. —your office?

A. No. This office has been run fair, and I think everyone [fol. 607] will tell you so. And I think Mr. Crain is doing a pretty good job there now, too.

Q. At the time that you were giving the tests on these little cards, did you use all of the cards?

A. Any of them that I happened—we kept them in the drawer, and we'd just take one out at random. We didn't pick any of them out.

Q. Did you study anything to determine what would be a reasonable interpretation?

A. No.

Q. Did you ask anyone to explain them to you beforehand?

A. Yes.

Q. Who did you speak with?

A. Oh, Mr. Rainach. I asked him, but most of them were, you know, I could understand them. Although some of them I understand the Supreme Court judges disagreed on it.

Q. Did you attend a meeting in Alexandria that was held by the State Board of Registration and the Joint Legislative Committee?

A. Yes.

Q. Who all was there?

A. I couldn't tell you.

Q. Who spoke at the meeting?

A. Rainach and Shaw and one or two local fellows.

Q. What did they say—did Mr. Rainach or Mr. Shaw say anything about using the tests?

[fol. 608] A. Well—

Q. Using the cards?

A. —I guess they did, but I don't know. It was the same old thing over and over. I didn't pay too much attention to it, but it was just a segregation talk.

Q. Did they pass out this booklet at that meeting?

A. Yes, yes.

Q. This—

A. And we—

Q. —I am referring to Appendix A, Voters' Qualification Laws in Louisiana?

A. Yes. We also got those in the mail.

Q. Did they pass out these Constitutional cards at that meeting?

A. No, we already had them.

Q. Why did you go to that meeting?

A. Well, all the registrars were, in a manner, required to go in this section. And so most of us went just to see what it was. I think the sheriffs were required to go; I know Mr. Jordan went. It was a big crowd there, and I don't really remember all of their speeches. My memory's not good on speeches.

Mr. Dunbaugh: All right. Mr. Kron?

By Mr. Kron:

Q. You referred earlier to an army officer and his wife?

A. Yes.

Q. They were white?

[fol. 609] A. Yes.

Q. Is it not so, Mrs. Flournoy, that during the time you were giving this interpretation test, that most of your objections came from white people?

A. Yes.

Q. During the time that you gave this test, you gave it to everyone—

A. Yes.

Q. —white and Negro—

A. Yes.

Q. —alike?

A. Yes.

Q. Could you tell us what percentages of the white persons failed the test?

A. Well, I could tell you to the number—three white people and one Negro.

Q. Failed?

A. That's right. We didn't have too many registrations during that time, you see, that I used those. And the white people would—one lady had filled out her card correct, and she said if she had to interpret that thing, she just wouldn't fool with it, so she walked out. And there was—there was a man—there was a man and two more women failed on that. The man wouldn't complete his card because he didn't understand that Constitution part, and he just left and therefore—have you had some do that, or did you use them?

(Mr. Crain did not reply.)

[fol. 610] Mr. Dunbaugh: Let's see.

By Mr. Kron:

Q. Now, when Mr. Rainach, Mr. Shaw and other members of the Citizens Council came into your office, you disagreed with their feelings—

A. With their method.

Q. —and with their method. And did you refuse to conduct your office according to their methods?

A. I did.

Q. You did not feel obliged to follow their methods, even though they were members of a legislative committee?

A. I didn't feel obliged.

Q. Why not?

A. Well, I didn't think that what they were trying to do was right.

Q. Was it legal?

A. I didn't think it would be legal, no.

Q. Was it discriminatory?

A. Yes.

Q. So therefore, you refused to discriminate?

A. I did.

Q. And during all of your time in operating this office, did you or did you not follow a policy of using the interpretation tests as a method of keeping Negroes off of the registration rolls—

A. No.

Q. —in Winn Parish?

[fol. 611] A. No. I felt that anyone who filled that card out right was entitled to vote—to be registered.

Q. White or black?

A. White or black.

Q. Now—

A. With no help.

Q. —when Mr. Rainach, according to the newspaper clipping you read aloud, requested you to use his methods, you then sought the advice of the attorney general?

A. I did.

Q. Could you tell me how you did that and what the results were, please?

A. I wrote Mr. Gremillion and explained it—about the cards and I got the reply that they could be used, but not for discrimination. And that was what I thought was right anyway.

Q. Why did you write to Mr. Gremillion?

A. Because Mr. Rainach wanted me to pull those hard cards on colored people.

Q. You did not follow that?

A. I did not.

Q. Did you consider Mr. Rainach your superior—

A. I didn't—

Q. —or the attorney general your superior?

A. I considered the attorney general my superior, but not Mr. Rainach.

[fol. 612] Q. I see.

A. I told Mr. Rainach I would not do it.

Q. Now, finally, has there, at any time during your administration in this office, been any method used, whether it be the interpretation test, the absolute compliance with filling out the card, or anything else to discriminate against a Negro who endeavored to register in this parish?

A. No.

Q. That's all.

Witness excused at 11:10 a.m.

[fol. 613]

PLAINTIFF'S EXHIBIT No. 21L

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of Mrs. Wanda G. Gibson, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the office of the registrar of voters, in the Lincoln Parish Courthouse, Ruston, Louisiana, on the 9th day of October, 1962, commencing at 3:35 P. M.

[fol. 614] The witness, MRS. WANDA G. GIBSON, after being duly sworn to tell the truth, the whole truth, and nothing but the truth, so help her God, testified as follows:

By Mr. Dunbaugh:

Q. State you name and address.
A. Mrs. Wanda G. Gibson, Cooktown Road, Ruston.
Q. And you are the registrar of voters of Lincoln Parish?
A. Yes, I am.
Q. How long have you held that position?
A. Since January—do I have to give the exact date?
Q. As close as you can.
A. January, 1961, it was the 26th or 27th.
Q. When you first took office what procedures did you use?
A. We had started using the—well, I started to say the same thing we are using now, but it wasn't. It was an interpretation that had been set up for all registrars to use.

Q. What form did this test take—I mean did you use a book or cards or what?

A. I used a book, the Laws of Louisiana, State Constitution.

Q. Did you have applicants—have each applicant read this?

A. Yes.

Q. Out loud?

A. Yes.

Q. And give you some explanation of it?

A. Yes.

[fol. 615] Q. Is that out loud?

A. Yes.

Q. Did you make any notation of the section that they were asked to read?

A. No.

Q. There was no record kept of that?

A. No, not unless they couldn't do it.

Q. There was a record kept of this section where they failed—

A. Yes.

Q. —but not if they passed?

A. Uh uh.

Q. Speak up with your answer, I'm not sure the reporter is getting it.

A. O. K., I'm sorry.

Q. We had better go back over those last two questions.

A. There was a record kept, but not if they passed it.

Q. Was there any record kept of the answers that they gave you?

A. Which do you mean?

Q. Well, either—if an applicant passed was there any record kept?

A. No, I just got through saying no. There was no record kept.

Q. If he failed was there a record kept of the answers that he gave—of the interpretation that he gave?

A. I may have some, but not all of them, I'm sure, of [fol. 616] what few didn't.

Q. What sort of a record would be kept of the answers they gave?

A. I was trying to think. I think I have some where they have tried to write their answer, because I could see that they didn't understand it well enough to say it aloud. So I asked them maybe they could do it better by writing it down.

Q. And where they did so you would save that?

A. Yes.

Q. I believe you've said that you used the book with the Louisiana Constitution in it?

A. Yes.

Q. Did you limit yourself to certain sections of the book?

A. Well, I wouldn't say limit, but I did use mostly the section on registration laws, because I know that better than any other, and it is more simple, I think. I didn't go and find something real hard for them to interpret. Something that the average person would know.

Q. When an applicant would come in to register, how would you determine what section you would ask them?

A. I just usually opened my book and found a law. I didn't say this person could interpret so and so or so and so, because all of them to me are about the same as far as interpretation.

Q. Do you remember offhand the sections that you gave, or if you referred to some book you have here, could you [fol. 617] tell us precisely which sections you asked them about?

A. Well, it's the section on registration that I used mostly. Should I get up and look that up and find it for the record here?

Mr. Madden: Yes.

A. Article 8, Section 1. I started with the registration laws, and I go all the way through. And you can tell where we've used them. You can tell the ones that have mostly been used. I've got them marked in my book. That's been most of them I have used.

Mr. Kron: Show that for the record Article 8, Sections 1 through 23.

A. I have used Article 1 from—you see, and these few here.

Mr. Kron: Article 1, Sections 1, 2, 3, 4—

A. And that's about the most of them that I have used.

By Mr. Dunbaugh:

Q. These are in the Bill of Rights of the Louisiana Constitution?

A. Yes.

By Mr. Kron:

Q. What was the reason you used those, Mrs. Gibson?

A. Because I understand them. I'm not a lawyer.

Q. What other reasons did you also say?

A. I figured that the average person can interpret that. I'm not an attorney.

[fol. 618] By Mr. Madden:

Q. You never did have them to interpret the 10th amendment to the Constitution of the United States, did you?

A. No, sir. I've used this book, because it's the one that was available to me in this office. I don't have the book with the Constitution of the United States in it.

By Mr. Dunbaugh:

Q. Did you discuss with anyone what section you should use, or did you decide for yourself that those were the sections that you should use?

A. I decided.

Q. With any interpretation that is given by an applicant, were you the sole judge as to whether or not that was an adequate interpretation?

A. Yes, I was.

Q. Did you ever vary your procedures, for instance, when there are great numbers of people trying to register just before an election?

A. No.

Q. Do you give a constitutional interpretation test now?

A. Do you mean an oral interpretation as we have—

Q. Yes.

A. That you're talking about?

Q. Yes.

A. No, we have a written test.

Q. Does the written test involve interpretation of some provision of the Constitution?

[fol. 619] Mr. Madden: If you don't know get your things and see. Show him what the test is.

A. It's a citizenship—we have a test with six different questions. They have a multiple choice answer.

By Mr. Dunbaugh:

Q. It is not a matter of reading and interpreting a section?

A. It is not. It's not an oral test. It's a written test, and they have their questions to answer. They have a multiple choice, and they have six on each card—four of them have to be right. Would you care to see these?

Q. No, thank you.

A. O. K. I wanted to be sure I have the same thing everybody else has.

Mr. Dunbaugh: O. K. I have no further questions.

By Mr. Kron:

Q. You have been here since January of 1961, you said?

A. Yes, sir, the latter part.

Q. Have you or have you not at any time during your administration used the constitutional interpretation test as a means of depriving a person of his right to register and vote because he was a Negro?

A. No, sir. If you'd look at my records you will find that—

Q. Do you keep a reject file?

A. Yes, sir.

Q. Would you be able, roughly, to estimate for me or to [fol. 620] tell me since you've been here in January of '61 how many total—totally how many people have been rejected for failure to pass the constitutional interpretation test?

A. Approximately 15.

Q. Of those 15, how many would be white and how many Negro?

A. There would probably be about 5 whites—now, this is just an estimate, and about 10 colored.

Q. All right. During that same period were there—of those 10 colored did any of those return and try to apply again?

A. Some that were rejected did return, not of this 10 I'm speaking of. This is my final—

Q. No, I mean of the 10 rejected because of their failure to pass the constitutional interpretation test, have any of those come back and been accepted?

A. I may have had one. I would like to go back and say that I rejected some the first time that came in, and I think this was mostly due to being nervous and scared, that did come back.

Q. On the constitutional test?

A. Yes. But now some of my rejects, of course, have not been for the constitutional test.

Q. Yes, but I'm confining purely to rejects on that—

A. I know.

Q. —basis.

[fol. 621] A. All right.

Q. How many Negroes do you have registered in this parish?

A. 713.

Q. And you have only rejected—how many Negroes have you registered since you have been in office, approximately?

A. About 700 of those, I think.

Q. All right. So that out of 700-plus there have only been 10 Negroes rejected—

A. Approximately.

Q. —for failure to pass the constitutional interpretation test?

A. Yes.

Mr. Kron: That's all.

Witness excused at 3:50 P.M.

[fol. 622]

PLAINTIFF'S EXHIBIT No. 21M

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff

versus

STATE OF LOUISIANA, et al., Defendants

Deposition of MRS. W. A. HATTON, taken at instance of and on behalf of Plaintiff herein; on August 23, 1962, in Ouachita Parish Courthouse, Monroe, Louisiana.

[fol. 623] Examination.

By Mr. Dunbaugh:

Q. State your name and address, please?

A. Mrs. W. A. Hatton, Winnsboro, Louisiana.

Q. And you are the Registrar of Voters in Franklin Parish?

A. Yes, I am.

Q. How long have you been registrar?

A. Since 1942; November I believe.

Q. Are you a native of Franklin Parish?

A. Well, I've lived in Franklin Parish most of my life.

Q. When and where were you born?

A. I was born in Louisiana.

Q. What education do you have?

A. Just high school.

Q. Were you a registered voter in Franklin Parish at the time you took office?

A. I was deputy at the time I took office.

Q. You had been deputy before you became Registrar?

A. Yes.

Q. How long were you deputy?

A. I started to work August 1, 1940.

Q. So you had been deputy only a short while?

A. Well, yes.

Q. When you first took office, what was the registration procedure?

[fol. 624] A. Well, just gave him the application and had him sign the register book.

Q. And did your procedures change sometime after that?

A. Yes, the procedure changed in 1940, I believe.

Q. In 1940?

A. No; let's see, in '41.

Q. What did they change to?

A. Well, we just got a different form in 1941, from what we had in 1940.

Q. Did the procedure ever change from just filling out the form—

A. No.

Q. —to something more than just filling out the form?

The Witness: You mean just to register?

Mr. Dunbaugh: Yes.

A. There has been all the time, just the form and then you sign a register book.

Q. Now, that's not just what you do now?

A. No, we have a little more now.

Q. When did you add something to that?

A. Well, I believe it was maybe in 1958 or '59; I don't recall exactly the date.

Q. What did the registration procedure become at that time?

A. Well, we were urged by our convention and by our Police Jury to strictly go by the law, the registration law.

Q. What convention is this?

[fol. 625] A. The Registrar of Voters Convention.

Q. Who did the urging then?

A. Well, just the convention officials, whoever they might be, they change from year to year.

Q. Are you speaking now of the district meetings that were held by the Joint Legislative Committee?

A. No, I was speaking of the Registrar of Voters Convention.

Mr. Kron: Those are held once a year?

A. Once a year.

Mr. Kron: Each year?

A. Each year.

Q. Do you know who, at these meetings, urged that you do this?

A. No, I don't recall, it's been such a long time. It would just always be discussed and questions asked.

Q. You said that in about 1958 or 1959 the Police Jury urged you to change your requirements?

A. Not exactly to change my requirements.

Q. Well, what did they urge you to do?

A. They urged us to strictly go by the letter of the law.

Q. What form did this urging take?

A. Well, just to go by any part of the law that said do something, just to do that.

Q. Well, what I meant was, how did they let you know what they wanted?

A. Well, by coming in my office, or maybe I would be at a Police Jury meeting. I was closely connected with the [fol. 626] Police Jury.

Q. Did they say specifically that they wanted you to start using the interpretation test?

A. Well, that; not only that, but other things maybe that we hadn't strictly adhered to.

Q. What other things were those?

A. Well, just any portion of the law maybe that we wasn't going by strictly.

Q. For instance?

A. Well, I wouldn't know, just any portion of it.

Q. Did anyone else urge you to start using the interpretation test?

A. No, not that I recall; not that I recall.

Q. Did you feel that the system that you had been using prior to that was unsatisfactory?

A. Well, to me it was, but then you always have somebody that's ahead of you; you have your bosses to please,

and if they ask you to do something, you want to try to please them in what you're doing.

Q. To you the old system was satisfactory?

A. Well—

Mr. Kron: I object to the question on the grounds that after all, the matter of applying the law as it is written is not a matter for the wisdom or for the decision of the offi- [fol. 627] cer holding that position; it is a matter for the wisdom of the Legislature, and it becomes then the duty of the officeholder to apply the law.

In this instance, as the witness has already testified; where, through their conventions—the Registrars' annual conventions, and the Police Jury's—they were urged to apply the law strictly; it then became a matter of directive and job obligation, rather than her decision or within her discretion, as to whether it was a good practice or a bad practice.

Mr. Dunbaugh: Do you instruct the witness not to answer?

Mr. Kron: No, I'm not instructing the witness not to answer, just making an objection to the question.

Mr. Dunbaugh: All right.

Q. Did you say that you were satisfied with this system?

A. Well, it wasn't a matter of satisfaction with me, I was there to do a job.

Q. When you first undertook to give the interpretation [fol. 628] test, how did you go about learning what the test was and how you would give it?

A. Well, I just decided that a card system would be a better system for me, because I had a small office, and so I had the cards printed.

Q. Where did you get them printed?

A. Alexandria.

Q. First of all, Mrs. Hatton, let me show you a set of interpretation cards which are attached to the complaint in this case, and are marked "Defendants-B." Would you please look these over and tell me if those are the cards of which you are speaking?

A. Well, just glancing over it, it looks to be, maybe, something on the same order; I wouldn't say it is identical.

Q. Well, where did you get those cards, in the first place?

A. Well, now you're asking me a question I can't exactly answer. I don't recall whether the Attorney General's Office recommended us to do this, or just where.

Q. But you did not devise the cards yourself?

A. Well, not necessarily.

Q. I mean, they weren't something that you made up yourself?

A. No, I didn't make them up myself.

Q. Is it your recollection that you received them from either—

A. No, I didn't receive them from the Attorney General's Office, I said they might have been recommended, that these [fol. 629] cards might have been recommended; and anyway the Police Jury urged me, and where they got the forms from I wouldn't know.

Q. Did you receive them from the Police Jury or from—

A. Well, I don't recall whether I received them from the Police Jury or not, I remember that we come to a—there was a meeting held somewhere, I don't recall where the meeting was held; but anyway it was suggested that we carry this into effect by the card system.

Q. What sort of a meeting was this?

A. Well, I don't recall what kind of a meeting it was, I remember our President of the Police Jury and I went to this meeting.

Q. Who else was at the meeting?

A. I don't recall who was at the meeting. I think the Attorney General was there, and I don't recall who else.

Q. Were representatives of the State Board of Registration there?

A. Well, I wouldn't say, because I don't remember that.

Q. Was Mr. Rainach there?

A. I don't recall that either.

Q. Did anyone explain to you how these cards were to be used?

A. No, they didn't.

Q. Did you discuss with anyone—

A. I did not, I took the cards and—

Q. —or consult with anyone, the District Attorney or anyone?

A. With the District Attorney?

[fol. 630] Q. With the District Attorney or Police Jury Members, or anyone there?

A. It was discussed at the Police Jury meetings at different times.

Q. All right. So, when you started using these cards, then what did your procedure become at that time?

A. You mean just how I went about it?

Q. Well, did an applicant come in and fill out the LR-1 form first, or get the test card first, or what was the procedure for registration?

A. I don't remember about how I first began, whether I gave them the test card first, or whether they filled out the LR card first.

Q. Was the procedure, when you first started using the tests, roughly similar to what it is today?

A. Well, yes, it's similar to what it is today.

Q. And what is your procedure today?

A. Well, now, we have our cards just shuffled and stacked, there, because we have affidavit cards; then we have the test card, and then the LR card.

Q. So, then the applicant takes the oath first?

A. Takes the oath first.

Q. And then takes the interpretation test?

A. Then takes the interpretation test.

Q. And then fills out the LR-1 card?

[fol. 631] A. And then fills out the LR-1 form.

Q. If he does not pass the interpretation test, does he go on and fill out the LR-1 form?

A. Well, I couldn't say that I have just ever really turned anybody down on the test.

Mr. Kron: On the interpretation test?

A. On the interpretation test. Maybe they would get part of it right, and maybe they wouldn't get the LR card all right.

Q. Am I to understand, then, that they fill out all 3 cards before you make a decision as to whether or not they qualify?

A. Well, not necessarily.

Mr. Kron: Can I help in this?
Mr. Dunbaugh: Yes.

Examination.

By Mr. Kron:

Q. We're both trying to find out the same thing, and what we're trying to find out now is, and let me illustrate. Let's assume that a person first signs the oath card, and then you hand that person a constitutional test card—

A. I just hand them all at the same time.

Q. You hand them all; all right. Now, at what point do you go back to that applicant and look at the information; do you let that applicant complete the whole thing?

A. Yes.

Q. And then go back and inspect the thing?

[fol. 632] A. Yes.

Q. All of these papers, the three sets of cards?

A. Uh huh. (Affirmative.)

Q. Now, at that stage is when you make your decision—

A. Yes, it is, uh huh.

Q. —as to whether he is qualified to vote?

A. That's right.

Q. Whether or not he has filled out satisfactorily the LR-1, has answered satisfactorily the interpretation test card and has properly filled out the test card; is that correct?

A. That's correct.

Q. So, now to rehash that, you hand them all three cards at one time?

A. I hand them all the cards at one time.

Q. And then leave them to their own devices, and go back when they have completed, and look over the whole thing and make your decision?

A. Uh huh. (Affirmative.)

Mr. Kron: Is that what you were trying to get at?
Mr. Dunbaugh: Yes. Your answer was yes to that?
The Witness: Yes, it was.

Examination.

By Mr. Dunbaugh:

Q. Now, Mrs. Hatton, in the interpretation test, do they write their answers on these cards?

[fol. 633] A. Yes, they do. They write them under each clause.

Q. There are three clauses on each card?

A. That's right.

Q. And they are to write—

A. Under each one.

Q. —under each one?

A. Uh huh. (Affirmative.)

Q. What do you tell them to do with this card?

A. I tell them to take it and read it; just disregard that it's from the constitution, because it scares them; and I tell them just interpret the words, and then write it under each clause.

Q. How many do they have to answer correctly to your satisfaction to pass?

A. Well, I like for them to answer all three of them correct. A lot of times they don't though, but if they get as many as two correct I let it go at that.

Q. Would they pass if they get two correct and fail altogether to answer the third one?

A. Oh, yes, they would pass.

Q. Would anyone ever pass only answering one?

A. Well, that's a hard question to answer, because we get different answers on different cards and people interpret it a little different. Maybe the way I would interpret it wouldn't be just like they have it, but if they have one [fol. 634] that they interpret to my satisfaction; then if the other two are not just like I would, but if it's something in reason I would count it.

Q. If they answer only one and leave two blank—

A. No, I want them to—

Q. —would you then ask them to complete it?

A. Yes, I'd ask them to complete it, or I would give them a different card and let them try a different card maybe.

Q. How many different chances would you give them?

A. As many as they want.

Q. Is that true when there's a rush on for registration?

A. That's true at any time.

Q. When you first saw these cards, did you read them over?

A. Yes, I had to read them over.

Q. Did you understand them all, all the provisions that you read?

A. Well, maybe I didn't just by reading them the first time—

Q. What did you to do help you understand them?

A. —but most of them I did, because they were very simple.

Q. Did you do any studying or inquire of anyone about any of these provisions, in order to learn what they meant?

A. Well, I don't recall asking anyone.

Q. Does your set have 24 different cards in it?

A. Yes, it does.

Q. Do you use all 24 cards?

[fol. 635] A. Well, yes.

Q. How do you determine which card an applicant will get?

A. As I've already said, I just shuffle the cards, and whatever card I pick up is the one that the applicant gets. I have them stacked in a drawer, and as they come in I just get three cards and give them to them.

Q. How are they stacked in the drawer?

A. Just shuffled; I wouldn't know how.

Q. When you order them, do you order them by number?

A. Yes, I do.

Q. So that when you get a bundle, it's a particular card in the bundle?

A. That's right.

Q. How do you shuffle them; when do you shuffle them?

A. When I stack them to get the cards ready when we are expecting a rush. Of course, I keep them stacked all the time but when I'm expecting a rush, we'll stack maybe two or three hundred at a time.

Q. You take the same number of each card?

A. Not necessarily.

Q. You mix them together?

A. I don't have two numbers straight down maybe.

Q. Well, do you take more of one particular card or—

A. No, I just shuffle them all up and stack them.

Q. So that the supply of cards that you have consists of bundles of cards of different numbers, and then a shuffled [fol. 636] bundle that you have; is that right?

A. Well, not necessarily, I don't have any shuffled bundle, I just take a few out of each number that I have and then stack them, not stacking 2 or 3 of the same number together.

Q. So that they then are one on top of another in a pile?

A. Oh, yes.

Q. And you pick the top one off for the next applicant that comes in—

A. That's right.

Q. —whatever that card may be—

A. That's right.

Q. —regardless of who that applicant may be?

A. Yes.

Q. If the interpretation given by an applicant is not satisfactory, do you make a notation on the test card of the reason why it's unsatisfactory?

A. If it's unsatisfactory, or if they just don't have any meaning at all on the card as to what the clause is, I just give them a new card, give them a different card.

Q. Do you do this until he eventually gets one right?

A. Well, many times.

Q. Has anyone ever failed?

A. Well, not—I don't just disqualify anybody, they just maybe give up and go on. Maybe they'll come back at a [fol. 637] later date, and maybe they will fill it in, interpret the constitution OK.

Q. Do you save the rejected cards.

A. Well, as I say, I don't have any rejected cards.

Q. Well, you said that sometimes an applicant will not satisfactorily answer the questions and that you give him another card?

A. That's right.

Q. What do you do with the old card?

A. Well, I just stack them in a file.

Q. Do you save those?
A. Uh huh. (Affirmative)
Q. Then if he eventually gives up, do you save all of his cards?
A. Yes.

By Mr. Kron:

Q. Has it been that a person giving up has not come back?
A. Oh, no, they will come back.
Q. They always come back?
A. Always come back.
Q. You don't remember any instance where a person has been turned down and not registered ultimately, for failure to answer the questions on this constitutional test card?
A. No, I sure don't.

Examination.

By Mr. Dunbaugh:

Q. One of the provisions on the cards deals with change [fol. 638] of venue; are you familiar with that provision?
A. Yes.
Q. Do you understand what it means?
A. Yes.
Q. How did you learn what it meant?
A. Well, I just learned.
Q. When?
A. Just had the knowledge to know, I suppose; I haven't studied to figure it all out.
Q. Did you learn it after you saw the cards, or did you know it before you ever read the cards?
A. Well, now, I wouldn't say whether I did or not, I couldn't answer that question.
Q. Did you ever inquire of an attorney, or someone, as to what it means?
A. No, I didn't inquire of anybody, I sure did not.
Q. What are you seeking to have the applicant establish in answering these cards?

A. I'm not seeking to have him establish anything, I'm just carrying out the registration law. The laws says that you shall be able to interpret some portion of the constitution.

Q. Must he satisfy you that he understands what he reads?

A. Must he do what, now?

Q. Must he satisfy you that he understands what is written there?

A. Well, yes.

[fol. 639] Q. And how well must he understand it?

A. Just a reasonable interpretation.

Q. Is that understanding it as well as the average man?

A. Yes.

Q. The average person in your experience?

A. Yes.

Q. Are you the sole judge of whether or not an answer is satisfactory?

A. Yes.

Q. And was the decision to apply the test in the manner that you do apply it, your own decision?

A. It was my decision, yes.

Q. Do you have a Deputy?

A. Yes, I do.

Q. What's your deputy's name?

A. Mrs. Boudreaux.

Q. How long has she been your deputy?

A. I believe she started work there in 1948 or '49.

Q. What instructions have you given her in respect to applying the interpretation tests?

A. Well, she usually will hand the card to me and ask me to—ask me my decision on it.

Q. Does she sometimes pass on applications without checking with you?

A. Yes.

[fol. 640] Q. Is that true of some that are rejected, as well as some that are passed?

Mr. Kron: I object to that. The testimony shows that this lady has testified that insofar as the constitutional interpretation tests are concerned; no one in her memory has been rejected, either by her or her deputy.

Mr. Dunbaugh: That's all, thank you very much.

Examination.

By Mr. Kron:

Q. When you were asked the question about having read over the cards, and whether you had read over the cards and studied them, your answer was that you didn't ask anyone about them; as a matter of fact, however, you did read over every one of those cards?

A. Yes, I did.

Q. Several times?

A. Yes.

Q. And in each one of the clauses, you came to some conclusion as to what it meant in your own mind?

A. That's right, I sure did.

Q. And you then, in your own mind, established that as a reasonable requirement?

A. Reasonable.

[fol. 641] Q. Now, with respect to the average man; is it not a fact that your requirements are far below what you would expect of an average man, since there has been no one rejected on this test?

A. That's right.

Q. Have you or have you not at any time selected a particular card for any particular applicant, with a view to making it more difficult for him to register?

A. No, I have not.

Q. You select these groups of cards as they are stacked in the drawer?

A. Yes sir.

Q. And you do not determine the name and color of the applicant, and then select the cards to fit that situation?

A. No, I do not.

Q. How many white registrants do you have in your parish?

A. I believe we have about 4,600 now.

Q. All right. How many negroes are registered there?

A. A hundred and fifty (150).

Q. Why are there not more negroes registered?

A. Well, I wouldn't know that; they just haven't come. We haven't had an election that has really urged them to come in and register.

Q. How long have these 150 been on the rolls, more or less?

A. Well, since 1961. See, this was the beginning of the [fol. 642] new registration. We're on the periodical registration.

Q. All right. How many negroes did you have on the rolls prior to the expiration of the old four-year system?

A. I believe we had between 350 and 400.

Q. So that, as a fact, the only reason that there are 150 negroes is that that's only how many have come in to register?

A. Have come in, that's right.

Q. Have you rejected any negroes?

A. I have not.

Q. Since 1961?

A. No, I haven't.

Q. You have not rejected a single negro applicant?

A. No, I have not.

Mr. Kron: That's all we have.

Re-examination.

By Mr. Dunbaugh:

Q. You're on periodic registration?

A. Yes.

Q. And you started giving this interpretation test during the last registration period, is that correct?

Mr. Kron: During the 1950-1960 period.

Mr. Dunbaugh: It would be 1957.

The Witness: 1957 through 1960.

Mr. Kron: 1957-1960, right.

A. Yes, it was during that time.

[fol. 643] Q. If someone applied for registration during that period, at the time when you were giving the interpretation test and passed it satisfactorily; then when he applies for reregistration during the 1961-64 period, does he have to take the test again?

A. Yes, he does.

Mr. Dunbaugh: That's all.

Mr. Kron: That'll be all, Mrs. Hatton.

Witness excused.

[fol. 644]

PLAINTIFF'S EXHIBIT No. 21N

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of Mrs. J. E. Jones, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the office of the registrar of voters, in the Lincoln Parish Courthouse, Ruston, Louisiana, on the 9th day of October, 1962, commencing at 3:05 P. M.

[fol. 645] The witness, MRS. J. E. JONES, after being duly sworn to tell the truth, the whole truth, and nothing but the truth, so help her God, testified as follows:

By Mr. Dunbaugh:

Q. Please state your name and address.
A. Do you want my maiden name?
Q. Well, whatever—
A. Mrs. J. E. Jones is the commission that I was under.
Q. Mrs. Jones, where do you live?
A. Ruston—Glendale Drive, Ruston.
Q. Were you formally the registrar of voters here in Lincoln Parish?
A. Yes.
Q. When did you hold that office?
A. Since 1940 through—up through 1961.

Q. Then did you retire in 1961?
A. That's right.

Mr. Madden: 1960, wasn't it, Mrs. Jones?

A. January, 1961, it was up until then.

By Mr. Dunbaugh:

Q. When you first assumed the office, what procedures did you use for registering applicants?

A. Well, I had the registration law in a little pamphlet, and a form that was printed step by step according to the law.

Q. What I'm getting at is, if an applicant came to register back in 1940, what did he have to do to become registered? [fol. 646] A. He had to—just whatever that form was, I can't recall.

Q. The L.R. 1 form you're speaking of?

A. Yes.

Q. He just filled out the form?

A. Whatever it required. I would have to look at one of them before I would know.

Q. When you first became registrar, did you ever ask any applicants to read and interpret any provision of the Constitution?

A. No, that was my—I was under bond to try to—to know who would be competent to register or whether they were qualified. That's the thing I had to do, was to judge whether or not they were competent.

Q. Well, in judging that, when you were first registrar what did you judge, just an application form, or did you have them read something to you or anything like that?

A. We didn't have it drawn up as such then, but I always had them to understand—they had to read, they had to write, and had to interpret a portion if I read it. Now, that was on that application should I see fit to read it, but it didn't demand that I read it, but if I'd see fit then I would. If I doubted whether they were competent to be a voter.

Q. Sometimes later than that—sometime after 1940 did you then start requiring everybody to read and interpret [fol. 647] the Constitution?

A. Yes, because of pressure we clearly followed the law and let each person know and read for themselves—I begun to pass the law—the passages out to them and let them read them, so they wouldn't think it was just me pouring it on them. It was necessary to make it clear to them.

Q. What did you have them read at that time?

A. Well, I would just pick out just most any little passage.

Q. Out of a book?

A. Out of the Constitution.

Q. Was that the Constitution of the United States or the Constitution of the state of Louisiana?

A. Of the state, I used that.

Q. Did you have a bound book with the Constitution in it?

A. Yes.

Q. And then you just opened the book and asked them to read part of it?

A. Yes.

Q. Did you have them do anything else besides read it?

A. They'd always tell me what it meant following that.

Q. Did they have to read it out loud?

A. Yes.

Q. Did you make any record of the section that you asked them to read?

A. No, sir.

[fol. 648] Q. Did you make any record of the answers that they gave, what their meaning was?

A. No, sir. Why would I, when they've already sworn me in to do it—to be responsible for it, what would I want to do all of that for? That wasn't required of me.

Q. We are not criticizing what you did, Mrs. Jones. We're just trying to find out what you did in there. I'm not—let's see—how did you decide what particular paragraph you would have them read?

A. I didn't decide. I just turned through there, and just anything I turned on and wanted to I just went ahead, and they would read it.

Q. Did you use pretty much the same paragraphs all the time?

A. No, I didn't.

Q. So that any applicant who walked in might be required to explain any provision of the Louisiana Constitution?

A. Oh, I always gave them in it something simple that they would actually know—supposed to know, you see—

Q. You didn't—

A. —being fair to the thing I just always let them—

Q. You didn't use all of the sections?

A. No.

Q. Do you remember which ones you used—

A. No, no—

Q. —and which ones you didn't use?

A. —I don't remember that.

[fol. 649] Q. Did you have a set list of sections that you asked about?

A. Oh, I had my own little pamphlet, but I don't know where it is now, and I usually checked something that I—one that they sort of would know readily, kind of, but I wouldn't give them the same one each time.

Q. How did you pick those out that you did use?

A. I just told you how I picked those out.

Q. I meant did you read through the whole Constitution and pick out a few that you thought would be good?

A. I picked out what I thought would be good for that particular individual.

Q. Now, you've said that when you first took office you didn't have everybody do this?

A. I couldn't tell you how few registrants were here when I came in. You just don't know. They didn't everybody try to register then that wasn't qualified. That was only when the needs arrived that I started doing that.

Q. What need is this?

A. Well, you just ought to have been here and see them. They'd bring in the applications—have them all written off, mimeographed forms in their laps or in their hands, or something—just bushels of them. They'd give them to them out at the churches, and they had learned them off by heart. If I didn't have them to read it, well, I wouldn't—and to interpret those passages I never would know, because they were copied.

[fol. 650] Q. When did you first start using the tests and when did you make this change you are—

A. Oh, I don't know, sir. I just don't.

Q. Can you relate it to some other event?

A. No, no.

Q. Was there a purge of the voter registration rolls here in Lincoln Parish?

A. Oh, not when I started. I've had my work completely in my charge. I've been responsible for every bit of it. And I've always tried to let my record show for itself, and there has been no pressure on nothing, and whenever I said one wasn't qualified he wasn't qualified.

Q. Wasn't there a time when some people came in and challenged some of the voters that were on your rolls?

A. I don't know how many times—well, I guess there have been more than one time.

Q. Let me direct your attention to 1956—in the fall of 1956, just before the second Eisenhower-Stevenson election, didn't some people come into the office then and challenge the registration status of a great many voters?

A. Are you speaking of the Citizens Councils?

Q. Yes, I am.

A. Yes, they did. They came in and asked permission to do so.

[fol. 651] Q. Was it shortly after that that you started to give the tests to everyone?

A. Oh, no, I've been running this as best I could ever since I've been in here.

Q. When did you start giving the tests to everybody, that's what I'm trying to find out?

A. I don't know, sir. I don't recall.

(Off-the-record discussion.)

By Mr. Dunbaugh:

Q. Mrs. Jones, I wish you would try very hard to search your memory on this and see if you could tell us when you started to give this test to all applicants?

A. I can't. I've just tried to erase all of that from my mind when I went out of here. I've been out about two years, and I can't remember that.

By Mr. Madden:

Q. Tell them how old you are, Mrs. Jones.
A. How old I am?
Q. Yes.
A. Do you want me to tell them?
Q. You're not ashamed of your age.
A. Oh, no.
Q. Tell them how old you are.
A. Just in a few days I'm going to be 68.
Q. That would show that you would not remember too well.
A. Oh, good gracious.

[fol. 652] By Mr. Dunbaugh:

Q. Have you been in this parish all of your life?
A. No, sir, I came here in 1930.
Q. Whereabouts are you from?
A. From the adjoining parish. I was born and reared there.
Q. Which one is that?
A. Bienville.
Q. Bienville Parish. How much education do you have?
A. I have been to college two terms. How much do you have? No, I consider I have plenty of experience there, now, Mr. Dunbaugh. I don't—I can understand when the other fellow understands, too.
Q. Going back to the purge in 1956, do you recall about how many voters were challenged?
A. No, I sure don't, now, I sure don't.
Q. By the Citizens Council?
A. I don't—I do not.
Q. Were they mostly whites or mostly Negroes?
A. They were just all the way from Tech professors to the state auditor to the—everybody you can think of—everybody that was wrong was checked. They checked them. I didn't have anything to do with it.
Q. Did the Citizens Council tell you in advance that they were going to check the records?
A. Asked me, that's right.
Q. When did they tell you that?

A. You mean the—

[fol. 653] Q. When did they tell you that they were going to check your records?

A. Well, I just got a notice of the proper time that that thing was supposed to have been done. I had a notice that they would like to see the records when it wouldn't disturb me, and they took it step by step as it goes.

Q. Did you attend a meeting of theirs?

A. No, I never went to their meetings. I had to be here when they came is all.

Q. I see. Now, you've said that at first—this is in the early part of the time when you were registrar—that you gave the tests to some applicants, but not to other applicants, is that right?

A. That's right, because I could tell when they were qualified and when they weren't, so far as reading and writing and interpreting.

Q. How would you determine which ones you would give the test to and which ones you wouldn't?

A. Now, listen here, I've been so patient with my folks, I'd let them try, try and try again, all the time, and then when they just can't, they can't. That's the kind I'd have to—just have to some way to determine whether or not—you just can't fill it out for them. You have to know how to do, when to stop and say it just won't do. Have you ever been registrar?

Q. No, but I'm not sure that I understand—

A. I wish everybody had to be registrar one time.

[fol. 654] Q. I'm still not sure that it's clear as to how you determined which people you gave the test to and which ones you didn't give the test to?

A. You say you're not sure?

Q. I'm not sure how you determined in your own mind to give the test to one person, but not to another.

A. Well, when the people of Lincoln Parish gave me this position they—I accepted it and was put under bond. They really thought I could handle it, or they wouldn't have let me have been the registrar. So I have tried to do exactly what the people were expecting me to do, and that is follow that law. So that's the way I've done. I haven't ever been reprimanded or nothing. How did you get the idea I had?

(Off-the-record discussion.)

Mr. Dunbaugh: No further questions. Mr. Kron?
Mr. Kron: No questions.

By Mr. Madden:

Q. Mrs. Jones, as a matter of fact, when you first became registrar, you pretty well knew everybody in Lincoln Parish at that time or had spoken to them?

A. Well, that's right.

Q. You knew it was foolish to give a test, say, to me as an attorney who came here to register or—

A. I just used my common sense.

Q. Used your common sense?

[fol. 655] A. And in that way—

Q. And then when the flood gates opened and said everybody can be registered, the ignorant, the uninformed, the unintelligent, and things of that nature, then you said, "Well, now is the time to start giving the tests," isn't that right?

A. That's right. It has always been in the law.

Q. It was in the law—

A. Always.

Q. But you hadn't applied the test because you didn't have that flood gate open and these people rushing in on you?

A. Well, it just wasn't necessary.

Q. It just wasn't necessary?

A. No, sir.

Q. In fact of the business it wasn't necessary until Harry Truman started encouraging everybody to register, isn't that right—he and Roosevelt?

A. I don't remember who did it, who started it—whoever did start it ended up with—up there meeting theirselves coming back with the whole load.

Q. Then you started to applying the test—after everybody just started piling in on you, you started—the people you didn't know, including white and colored—if you didn't know them, you started applying the test?

A. Well, they had the colored lined up here. They just hauled them in by the busloads, and so, something had to be [fol. 656] done. Some type of test had to come about, be-

cause they taught them the night before how to fill them out.

By Mr. Dunbaugh:

Q. And that's when you started giving the test?

A. No, no, if it was necessary before that, I had been at it all the time, Mr. Ragan. There has been a lot of people—it's not just colored people, there have been a lot of people that couldn't register under my registration.

By Mr. Madden:

Q. That's right. And your records will so indicate?

A. Oh, yes, you can go look—go hunt them up, if you want to do that.

Mr. Madden: I have no further questions.

Witness excused at 3:30 P.M.

[fol. 657]

PLAINTIFF'S EXHIBIT No. 21-O

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action File No. 2548

UNITED STATES OF AMERICA, Plaintiff,

versus

STATE OF LOUISIANA, et al., Defendants.

The deposition of Charles S. Kilbourne, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the court room of the East Feliciana Parish Courthouse, located in Clinton, Louisiana, commencing at 10:05 o'clock A. M., on the 25th day of August, 1962.

[fol. 658] The record should show that the deposition of Mr. Kilbourne is proceeding in the presence of Mr. Crouch, the Registrar of Voters of St. Helena Parish.

The witness, CHARLES S. KILBOURNE, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. What is your name and address?
A. Charles S. Kilbourne, Clinton, Louisiana.
Q. Were you formerly the Registrar of Voters—
A. I was.
Q. —of East Feliciana Parish?
A. Yes.
Q. When did you become Registrar of Voters?
A. Sometime in the month of December, 1949. It was a split month, I don't remember the exact date.
Q. Had you been deputy registrar prior to that time?
A. I had.
Q. For how long?
A. About two years and a half or a little more—since the spring of '47.
Q. When did you leave the office?
A. The last of January or the first of February of '58.
Q. Why did you leave the office?
A. Well, the governor called on me to resign. He had absolute discretion in the matter. You hold it at his pleasure [fol. 659] —at the pleasure of the governor.
Q. Had you been asked by anyone else to resign?
A. No, not personally.
Q. Had anyone else sought to have you change your registration policies?
A. They did.
Q. Who was that?
A. Well, they were the officers of the Citizens Council, as soon as it was organized, asked me to change my policy. In fact, demanded, not asked.
Q. Who was that?
A. Well, there was W. C. Percy was representative there at the time. He was the—I think chairman of the organization.

Q. Anyone else?

A. Well, I had a delegation from the organization visit me in the office one evening, but a small group. I couldn't tell you now who all of them were that came. They asked me questions about my policy, and disagreed with me on it.

Q. Did anyone from the State Sovereignty Commission come to see you?

A. No, not that I know of.

Q. Or from the Joint Legislative Committee on segregation?

A. We didn't have that then. I don't think that—as far as I know it wasn't in existence then.

Q. Mr. Rainach or Mr. Shaw?

[fol. 660] A. (The witness did not reply.)

Q. What were your registration procedures? You answered no to whether or not Mr. Rainach or Mr. Shaw—

A. Let me qualify this by something that's never been brought out. We changed from 4 years of permanent registration less than 4 years after I taken office, and approximately forty or fifty per cent of the names on the roll at the end of my term were those registered by my predecessor who had merely been blanketed in. Under a simple procedure I had some converting 4 years by mailing them out a form to merely sign and mail back. Not much if any more than half of them were actually mine. They were Mr. Riley my predecessor's, who had blanketed them in. Now, the question again, sir?

Q. What were the procedures of registration that you—

A. Well, our procedure was give them a card and let them fill it out. As most of them—it seems that even educated people, I've known even school teachers, seems to get in a panic at the mere sight of a printed form. They'd usually tremble and you'd have to help them a little bit, you know. I made one difference between my registration and Mr. Riley. Mr. Riley, my predecessor, would fill out the card in his own handwriting and merely let them sign it if anybody said that they had left their glasses at home, or any excuse as that. I never did that unless they come as a blind man, or some disability of some kind that would [fol. 661] qualify them as an illiterate. And that—that was one change I made in the procedure from what he had had.

I made, when a person could read and write, to fill it out in their own handwriting and sign it.

Q. Did you require applicants for registration to use—to interpret a provision of the Constitution?

A. No. Just before I went out of office I got instructions that I should do that.

Q. From whom did you get these instructions?

A. My recollection is that it was from Mr. Fowler, the State Director, I believe.

Q. Director of the State Board of Registration?

A. That's my recollection, but I understood it to be only for totally illiterate. I don't remember using it but twice, and that for people who wanted to sign by mark, who were absolutely illiterate. I would never dream of using it for a person who could read and write, even then. I may have misunderstood him, but that's my interpretation.

Q. When you gave the test to illiterates, how did you give it?

A. Well, there were only two times I did that at the very end. I simply had a copy of the Constitution. I had nothing to go by, no forms, no advice. I simply picked out some general question about it that I would think that any reasonably informed person who knows how to vote would [fol. 662] answer, like whether it consists of a republican form of government, or something of that sort, or just some general question that I made up. I had nothing to go on. As I say, I don't remember using it but twice, and that was for total illiterates. My recollection is that one answered it sensibly and the other couldn't. We were not furnished with any form to go by at that time.

Q. Why didn't you give the test?

A. Well, it had never been done. I had worked as a deputy. I had never heard of it being—I visited other offices in other parishes, I had never known it to be done. I visited West Feliciana where my cousin was registrar and St. Helena where I was acquainted with a man who had recently come into office. He visited me and I returned the visit. I never knew—in Baton Rouge I knew Joseph Smith well, he was a native here of this parish. Nobody had ever done it that I knew of.

Mr. Dunbaugh: Mr. Kron?
Mr. Kron: No questions.

Witness excused at 10:25 A. M.

[fol. 663]

PLAINTIFF'S EXHIBIT NO. 21P

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of Mrs. Margaret M. Larche, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the office of the registrar of voters, courthouse, Bastrop, Louisiana, on the 10th day of October, 1962, commencing at 11:40 A.M.

[fol. 664] The witness, MRS. MARGARET M. LARCHE, after being duly sworn to tell the truth, the whole truth, and nothing but the truth, so help her God, testified as follows:

By Mr. Dunbaugh:

Q. Please state your name.
A. Margaret Larche.
Q. Mrs. Larche, what is your address?
A. 502 West Hickory Street, Bastrop, Louisiana.
Q. Are you the registrar of voters for Morehouse Parish?
A. I am.
Q. How long have you held that position?
A. 19 years.
Q. When you first took the office of registrar of voters what procedures did you adopt?

A. Well, I used the same procedures as the registrar that I had succeeded in the job. They just came in and I asked who they were, and gave them a card, and they filled it out, and that was all there was to it then at that time.

Q. Did you later change the procedures?

A. Yes, sir.

Q. When did you do that?

A. In 1957, January 1.

Q. What procedures did you adopt at that time?

A. Then we began to go by the Louisiana registration law, which was the person came in, and he was identified to me, and then we gave them the card, and they filled [fol. 665] out their card. And I have a Constitution of the United States, and then we gave them that, and they read just a portion of it and told me in their own words what they had read and that was it, in '57.

Q. How long did you keep using that procedure?

A. I have done that up until the present change about a month ago.

Q. I believe you said you used a copy of the United States Constitution?

A. Yes, sir.

Q. How did you select the particular section you would ask an applicant on?

A. Just opened the book, and I had a clip on it—to the United States Constitution, and I would just open it, and just take any at random—you know, and just put it down before the person and say, "Would you read and interpret that to me?" To the voter.

Q. Would you ask the applicant to read it out loud?

A. I told them it was perfectly all right, whichever one they preferred to do, if they wanted to read it out loud or if they wanted to read it to themselves, just explain to me what they had read.

Q. Was any record kept of the section that you asked them to read?

A. No, sir. Now, if they failed it, we wrote on the back of their card the part that we had asked them that they could not read or interpret, and that was written on the [fol. 666] back of their registration card in the place for remarks.

Q. But if they passed no record was kept?

A. No, sir.

Q. If they passed was any record kept of the interpretation they gave?

A. No.

Q. And if they failed was any record kept of the interpretation that they gave?

A. Yes.

Q. What record was made of that?

A. The one on the back of the card.

Q. Was that simply a record of what section they were asked to interpret or—

A. What we asked them, uh-huh.

Q. But there was no record of what they gave as their interpretation?

A. Oh, no.

Q. Did you over the years ask about every section in the Constitution or did you limit it to particular sections?

A. Well, it was just at random. I'm sure over that period of time we took most every one of them. Of course, there were some of them that were—you know, that maybe I didn't understand too well, so certainly I didn't use those.

Q. Would you be able to recall or do you have a record of which sections you asked about most frequently?

A. I have the book if you would like to see it.

[fol. 667] Q. If it would help you to refresh your recollection, yes.

A. (The witness obtained same.) Any of these, see? We just used all of them.

Q. Now, you're referring to all of the Constitution?

A. Yes.

Q. Were there any particular ones here that you did not use or used less frequently than others?

A. Oh, I don't remember. We just used all of them.

Q. Did you ever ask an applicant to interpret a provision of the Louisiana Constitution?

A. No. We just used strictly the Constitution of the United States of America.

Q. Have you ever studied anything other than the text of the Constitution?

A. No.

Q. In order to help you make up your own mind as to what each of these sections meant?

A. Well, I had—when we first started this Judge Odom helped me a lot with it. He is deceased now. He was a retired judge who was a resident of this parish.

Q. How did he help you?

A. I would ask him to explain different things that I didn't understand about it, you know, out of office hours. But now let me clear you up with this one thing, we didn't —I didn't ask the person to read something then I wouldn't take it and ask them a lot of questions. They would, for in- [fol. 668] stance, read "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." And I would say to them, "Just explain to me what you read." I didn't ask them a lot of questions.

Q. Yes, ma'am. If an applicant in reading a section did not understand a particular word, would you define the word for them?

A. We did in a lot of cases, yes. Or we have had applicants who would read one and would say, "Can I pick another one to read?" And we would say, "Yes, choose another one." And they would choose it.

Q. The applicant could choose whatever section they wanted?

A. Some of them, if they had one, and they'd say, "I've got a hard one; let me get another one," well, they would pick another one.

Q. How many picks would they get before they—

A. Oh, I don't remember.

Q. —before you rejected them?

A. I don't remember.

Q. Well, if an applicant failed to interpret it correctly the first time, would you offer them an opportunity to interpret another section right then in connection with the same application?

A. Well, as I say you could really—you could tell if the person could read—

Q. Yes.

Q. —you know, and if he couldn't read, there wasn't any [fol. 669] point in going on, you know. I mean when you

give somebody a book and say, "Would you, you know, like to read it out loud, you know, or to yourself, and tell me what you read?" Well, when they can't—when they start telling you something that doesn't even pertain to that article, well, you know that they couldn't read. And then we have had them that I've said, "Well, sir, you read so and so out loud." In that case, well then, I could see they couldn't read. Well, there was no use to go further.

Q. In effect then, you were testing just to see if they were able to read?

A. And write.

Q. And write. Did you require applicants to write anything other than the application form?

A. No, not in '57, other than fill out their L.R. form 1.

Q. Why did you start using the test?

A. On the advice of my district attorney.

Q. Mr. Lassiter?

A. Yes.

Q. Did he explain to you why he thought it should be used?

A. No.

Q. When you first became registrar were Negroes permitted to vote in the primary elections?

A. Yes, sir, there were several qualified colored registrants in Morehouse Parish when I was registrar.

Q. For the general elections, but I meant in the Demo-
[fol. 670] cratic primary elections?

A. They voted in all elections. Their names were on the poll lists. Now, whether they cast their vote I do not know, but I assume that they did. Their names were sent to the polls, where they could have voted had they wanted to.

Mr. Dunbaugh: I have no further questions.

By Mr. Kron:

Q. Mrs. Larche, you have stated you selected the sections of the federal Constitution?

A. Yes.

Q. At random?

A. Yes.

Q. Did you at any time choose a particular section to give to a particular person—

A. No.

Q. —in order to make it more difficult for that person to register?

A. Indeed not.

Q. And it was always your policy that if a person could not interpret the one shown to him by you, you permitted him once, twice, or as the occasion would warrant, to select another section of his own choice?

A. Yes, sir.

Q. In listening to your answers, am I correct in saying that your purpose was to make the test simple?

A. As simple as I could make it.

[fol. 671] Q. And one that the average person could pass?

A. Yes, sir.

Q. Let's select a period of time, say, for instance the entire year of 1960, would you be able to estimate for me how many persons were rejected as applicants for registration for reasons of the interpretation test alone during, say, 1960?

A. There wouldn't be too many, but I couldn't tell you exactly unless I got up and counted them. I have all of my rejected applications.

Q. Would it be too much trouble to check that—would it take too long?

A. (The witness produced same.)

Q. To refresh you now, and to repeat the question, selecting a period, the year 1960, how many persons—applicants for registration did you reject for failure to pass the interpretation test?

A. Two.

Q. Of those two, how many were white and how many were colored?

A. One was white and one was colored.

Q. There were no others during that entire year—

A. No, sir.

Q. —who failed to register because they could not pass the interpretation test?

A. That's right.

Q. Since 1957 when you began to give the constitutional [fol. 672] interpretation test have you at any time used this test as a means to prevent Negroes from registering?

A. No, sir.

Q. During all of your time as registrar in this parish, have you ever been advised, instructed or directed by anyone—a private citizen, public official, board of registration, et cetera, or anyone else—to use the interpretation test as a means of disenfranchising Negro applicants for registration?

A. No, sir.

Mr. Kron: That's all.

By Mr. Dunbaugh:

Q. At all times during the period 1957 until you stopped using this test, was the applicant required first to fill out the L.R. 1 form and then to take the test?

A. No, sir, they read and interpreted a portion of their test and then filled out their card.

Q. So that if they failed the test were there instances when no record was kept?

A. There were instances, uh-huh, I'm sure there were, because you know in periodical registration we have quite a few, you know, the last 2 or 3 days, and we get in a rush on those days.

Q. So that there may have been times even in 1960 in addition to the two that you mentioned—

A. Well, there could have been, but I don't remember.

Q. —during which an applicant would come in, would [fol. 673] be rejected on the test and no record be made of it?

A. There could have been, but I don't remember. We haven't turned down too many, I tell you.

Q. During the period 1961 through 1964, the current registration period, have you required each person to take the test who took the test during the last period and passed it?

A. We do that under periodical registration, sir. I am not under permanent. Our records at the end of that four years are null and void, so we start over new.

Q. So that it would be possible that someone who passed the interpretation test between 1957 and 1960 could fail it during the period 1961 to the present?

A. Well, it's possible, but I don't recall of anyone who has, you know.

By Mr. Kron:

Q. That's important. Although that is theoretically possible, in your memory has that actually happened?
A. Not that I can recall.
Q. O.K.

Mr. Dunbaugh: That's all.

By Mr. Kron:

Q. One final question. During the period 1960, your records reflect two persons who were rejected for this reason, and under your system of giving the interpretation test first, it also is possible there could have been others and there be no record of it. In your actual memory, do you [fol. 674] recall during the period 1960 anyone else having failed to become a registered voter because of failing the interpretation test, other than these two?
A. No.
Q. You do not?
A. No.

Mr. Kron: That's all.

Witness excused at 12:03 P.M.

[fol. 675]

PLAINTIFF'S EXHIBIT No. 21Q

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of LOUISE RISER LINTON, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the Post Office Building, Homer, Louisiana, on the 9th day of October, 1962, commencing at 11:45 A. M.

[fol. 675a]

APPEARANCES:

Frank M. Dunbaugh, Esq., Attorney, Department of Justice, Washington, D. C., for Plaintiff.

Harry Kron, Esq., Attorney General's Office, State of Louisiana, Baton Rouge, Louisiana, for Defendants.

A. B. Atkins, Jr., Esq., North Main Street, Homer, Louisiana, and William M. Shaw, Esq., 515 South Main Street, Homer, Louisiana, for Louise Riser Linton, Witness.

[fol. 676] STIPULATION

It is stipulated between Counsel for the United States of America and Counsel for the State of Louisiana and other defendants that the original transcript upon completion should be delivered to Mr. Kron, who will make arrangements for it being read and signed by the witness, and who

will return it to the court reporter for certification and filing in the Court.

[fol. 677] The witness, LOUISE RISER LINTON, after being duly sworn to tell the truth, the whole truth, and nothing but the truth, so help her God, testified as follows:

By Mr. Dunbaugh:

Q. Will you state your name, please?
A. Mrs. Louise Riser Linton.
Q. What is your address?
A. 225 Beardsley, Homer, Louisiana.
Q. Are you the registrar of voters of Claiborne Parish, Louisiana?
A. I am.
Q. How long have you held that position?
A. Since September, 1940.
Q. Were you a registered voter before you took the job as registrar?
A. The very purpose of this case is to have declared illegal the voter registration laws of this state, which have been in effect since before most of the individuals participating in this case was born. If these laws are held unconstitutional, then it will mean that every registrar who has obeyed the state laws has been guilty of a federal crime. Under these circumstances, it is obvious that any conscientious registrar who answers questions pertaining to the issues of this case, will be incriminating himself. Therefore, I respectfully decline to answer this question on the grounds that my answer might tend to incriminate me, and plead [fol. 678] my constitutional privilege against self-incrimination.
Q. Mrs. Linton, you are acting under advice of counsel?
A. Yes.

Mr. Shaw: I might add that I have advised her not to answer any of your questions pertaining to this case, because the very nature of the case is such that anything she might answer would help to incriminate her either under the state or federal laws, if there is any validity whatsoever to the case that has been filed by the federal government.

By Mr. Dunbaugh:

Q. If I would ask any further questions you would take the same privilege?

A. I would.

Q. Okay.

Witness excused at 11:50 A. M.

[fol. 679]

STATE OF LOUISIANA:
PARISH OF EAST BATON ROUGE:

I, Janet L. Parker, Reporter within and for the Parish of East Baton Rouge, State of Louisiana, do hereby certify as follows:

That the witness, Louise Riser Linton, was duly sworn by me, Special Officer of the United States District Court for the Eastern District of Louisiana, to testify to the truth, the whole truth, and nothing but the truth, and that the foregoing deposition was taken by me and reduced to typewriting by me.

That the aforesaid deposition constitutes a true record of the testimony given by the witness.

That Frank M. Dunbaugh, Esq., Attorney, Department of Justice, Washington, D. C., represented the plaintiff, Harry Kron, Esq., Attorney General's Office, State of Louisiana, Baton Rouge, Louisiana, represented the defendants, and A. B. Atkins, Jr., Esq., North Main Street, Homer, Louisiana, and William Shaw, Esq., 515 South Main Street, Homer, Louisiana, represented Louise Riser Linton, witness, and that each was present during the entire examination.

That the deposition was held in the Post Office Building, Homer, Louisiana, on the 9th day of October, 1962, commencing at 11:45 A. M.

[fol. 680] That I am not an attorney or counsel for any of the parties, nor am I a relative or an employee of any attor-

ney or counsel connected with this action, nor am I financially interested in this action.

Baton Rouge, Louisiana, this 17th day of November, 1962.

/s/ JANET L. PARKER
Reporter
Parish of East Baton Rouge
State of Louisiana

[fol. 681]
STATE OF LOUISIANA
PARISH OF CLAIBORNE

I, Louise Riser Linton, witness in the above-entitled cause, do hereby certify that I have read the above and foregoing, and that it is a true and correct transcript of the testimony given by me on the 9th day of October, 1962, commencing at 11:45 A. M. in the Post Office Building, Homer, Louisiana.

Homer, Louisiana, this 30th day of November, 1962.

/s/ LOUISE RISER LINTON

[fol. 682]

PLAINTIFF'S EXHIBIT No. 21R

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

STATE OF LOUISIANA, et al., Defendants.

Deposition of MRS. MAE LUCKY, taken at the instance of and on behalf of the Plaintiff in the above matter; August 23, 1962, in the Ouachita Parish Courthouse, Monroe, Louisiana.

[fol. 683] Examination.

By Mr. Dunbaugh:

Q. Would you state your name and address, please?

A. Mrs. Mae Lucky, 1417 South Grand, Monroe, Louisiana.

Q. Are you the Registrar of Voters of Ouachita Parish?

A. I am.

Q. How long have you been Registrar?

A. Since January, 1953.

Q. When and where were you born?

A. Pulaski County, Arkansas.

Q. How much education do you have?

A. I have a grammar school and my business education. I had to go to work when I was about 17 years old, my parents—my father died; business school, Draughn's Business College, Little Rock.

Q. How long have you lived here in Ouachita Parish?

A. Since 1919.

Q. When you first assumed the office of Registrar of Voters of Ouachita Parish, did anyone explain to you what the job was about?

A. No sir, because permanent registration became a law the day I took office; the first day of January 1953, permanent registration was adopted by the Police Jury and became effective that day. There was no one who could tell me, no one in Ouachita Parish knew anything about it. I had [fol. 684] to learn the hard way.

Q. What were your registration procedures at that time?

Mr. Lassiter: Now, at this time we wish to object to any questions relative to the Office of the Registrar of Voters of Ouachita Parish, for the reason that the procedures are involved in a suit entitled "United States of America —Vs— Mrs. Mae Lucky, Registrar of Voters"; and any evidence given in this case could be used in connection and conjunction with the suit pending in the Western District of Louisiana, and would infringe upon the rights of Mrs. Lucky as a Defendant in that case.

Mr. Dunbaugh: Am I to understand, then, that any questions that I ask of her concerning the procedures of the Office of the Registrar of Voters of Ouachita Parish, under your advice she would decline to answer?

Mr. Lassiter: That's correct.

Mr. Dunbaugh: All right. That's all.

Witness excused.

[fol. 685]

PLAINTIFF'S EXHIBIT No. 21S

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of CECIL E. MANNING, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the post office building, Lake Providence, Louisiana, on the 10th day of October, 1962, commencing at 10:00 A.M.

[fol. 686] The witness, CECIL E. MANNING, after being duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. State your name and address, please.

A. Cecil Manning, Route 2, Box 99-K, Lake Providence, Louisiana.

Q. Are you the registrar of voters of East Carroll Parish, Louisiana?

A. I am.

Q. When did you become registrar of voters?

A. April of 1959.

Q. When you first took office what procedures did you adopt?

A. I adopted the procedure that was being used by my predecessor or the lady before me.

Q. What did you require an applicant to do at that time?

A. To fill out a L.R. 1 correctly and to be identified properly.

Q. Did you require applicants to take any constitutional interpretation tests?

A. At that time I did not, because there were several before me, you see, several applicants before me, you know, that had not had to take it, so I continued as she did.

Q. When did you first start to use the interpretation test?

A. At the beginning of a new period, which was 1961.

Q. Had the federal government photographed the voter [fol. 687] registration records at that time?

A. Had they?

Q. I take it you do not recall?

A. No, I don't recall the date right now.

Q. When you started giving the interpretation test, what procedure did you use then?

A. Well, to be properly identified, that was the beginning too of the state oath requirement—you would have a figure on that, and also an interpretation of 3 clauses from either the state or the federal Constitution.

Q. Mr. Manning, I want you to examine Appendix B of the government's complaint in this case, and ask you if you recognize what that is. That runs for 12 pages.

A. Yes, sir. These first two are two forms of the 24 card forms that I used—set.

Q. Would you examine the others—do those appear to be the cards that you were using?

A. They appear to be all of the cards that I used, yes, sir.

Q. Now, what would an applicant have to do with those cards?

A. To read each of the 3 clauses.

Q. Would he have to read them out loud?

A. There was no set rule there. I did state to some of them if they read them aloud they would more readily—easily—more easily interpret them if they read them aloud.

Q. What else did they have to do besides read them?

[fol. 688] A. Give a reasonable interpretation of each of the clauses.

Q. Was that an oral interpretation?

A. An oral interpretation, yes, sir.

Q. Did you keep a record of which card an applicant received?

A. Yes. He signed that card, stating that he had been given—stating that the test had been given to him by the East Carroll—in my case—Parish registrar, and signed that. I believe—no, there was no date, no, sir, just ward, precinct and address, but it stayed with your regular L.R. 1 card and also your state vote card. They were stapled together.

Q. Did you keep a record of what interpretation the applicant gave?

A. No, sir.

Q. At one time did you start to have the applicants write answers on the cards?

A. Right at the last I—I had 2 or 3. I don't remember the exact number of them that wrote their answers in, and any of them that wished to—some wished to, which was all right with me.

Q. Why did you start giving the interpretation test?

A. Well, it was a state law, and I was trying to go by the full state law, and at that time, with everyone being new applicants or applicants for the new registration period, I thought it would be only fair to everyone to start then and not before, because over half of the ones previous to that [fol. 689] had not had to take it.

Q. Did anyone suggest to you or urge that you give this test?

A. No, sir. I suggested it myself, because I thought it was one of the state requirements—because the interpretation was one of the state requirements.

Q. Is it still one of the state requirements?

A. According to my knowledge now we have a new requirement.

Q. Do you give—

A. But it's still a requirement to give an interpretation test.

Q. Do you give an interpretation test now?

A. No, sir.

Q. Where did you get these cards?

A. I had them printed.

Q. Did you make up the cards yourself?

A. No, sir, I didn't.

Q. Where did you get them originally?

A. I can't truthfully say, because they were in the office whenever I went there, but they just weren't being used. I did have some more copies made after—when I started to using them, because there was only a few left. I don't know—

Q. When an applicant would give you an interpretation, were you the sole judge of whether or not that interpretation was correct?

A. Yes, sir.

[fol. 690] Q. What sort of an answer were you looking for?

A. Well, a correct and concise answer. A reasonable interpretation, in other words. Just something to prove that you understood and could interpret a true interpretation.

Q. How well would he have to understand it?

A. Well, well enough to where I would feel reasonably sure that he did understand it.

Q. Would he have to understand it as well as you understand it?

A. I would think so, yes, in order for me to know that he understood it.

Q. Did you use all of the 24 cards, or did you just select some of them to be used?

A. I selected them at random. I tried to use the whole system, to get around the whole round, and not use one card all the time.

Q. So that at one time or another you used each of the cards?

A. That's right—I'm sure I did. I mean I never checked it, but I'm positive that I did.

Q. Have you read each of the cards yourself?

A. Yes, sir.

Q. Do you understand each of the provisions on those cards?

A. The provisions of interpretation.

Q. Well, did you understand each of the sections that [fol. 691] appear on the cards?

A. I believe I do. I had them explained to me by people that I know that did know.

Q. Who was that?

A. Judges, lawyers, school teachers, someone smarter than I.

Q. How would you determine which card to give to an applicant?

A. It was just strictly by the card.

Q. I'm not sure I follow you.

A. They were filed in a drawer, edge up, and I just pulled one out.

Q. Were they by number?

A. They had numbers on them, but I didn't give them a number, because I didn't know them by number.

Q. Were they filed in numerical order, or how were they filed?

A. Yes, they were filed in a group, numerical order.

Q. So that there would be a group of one's, and then a group of two's, and a group of three's in the drawer?

A. Yes, sir.

Q. When you reached in the drawer, did you know what one you were picking up?

A. I could have made it a point to, but I tried not to.

Q. Did each applicant have to answer all three correctly?

A. Yes, sir, I required all three interpretations.

[fol. 692] Q. If an applicant got two correct and one incorrect, would that applicant be failed?

A. And if he failed, it says that he shall be able to give any—an interpretation of any clause, and if he failed to give one, he wouldn't have been able to give an interpretation to any. He would have been just able to give an interpretation to some of them.

Q. Did you get any instructions from anyone as to how to give this test?

A. Meaning what, Mr. Dunbaugh?

Q. Well, did anyone instruct you what manner you would use to give the test?

A. I don't know what you mean by manner, but no, sir, no one told me to do it a certain way, other than the fact to just require them to take the test, and give the interpretation.

Q. Did someone instruct you as to that?

A. Well, if I understand right, the police jury, if I'm not mistaken, adopted this form of qualification tests.

By Mr. Kron:

Q. Was that before you took office?

A. That was before I took office, I believe.

Q. That was your understanding, but you don't know that of your own knowledge, do you?

A. No, sir, I do not know that of my own knowledge—true knowledge, no, sir, I do not.

[fol. 693] By Mr. Dunbaugh:

Q. If an applicant did not understand some word in the section he was asked to read, would you explain the word to him?

A. No, sir.

Q. You said that you started to use the test because it was required by state law?

A. Yes, sir.

Q. Did someone explain to you what that meant—did someone tell you what the state law required?

A. No, sir, I read what it required—I read it, I mean.

Q. I believe that some of the lawyers in town got one of the most difficult forms. Do you think that they should be able to interpret a harder card than the average applicant for registration?

A. Yes, sir.

Q. Were they intentionally given a more difficult form?

A. You mean that I had given them the card, is that right? Or who gave it to them? I don't know. Do you mean I gave them a more difficult card?

Q. Yes.

A. I wasn't aware of the fact, but—

Q. You didn't intentionally give—

A. No, sir.

Q. —a more difficult card to some of the attorneys—

A. No, sir.

Q. —with the idea that they would be able to answer the more difficult card?

[fol. 694] A. I had gone over all the cards with the attorneys, most of them anyway, before I even started to use the cards. They should be able to answer them.

Q. But when they came in to apply for registration, you didn't make a point of—

A. No, sir.

Q. —giving them a more difficult card?

A. No, sir. Is that your assumption now, that they were given a more difficult card, or theirs?

Mr. Kron: He said he understood that.

A. Oh.

By Mr. Kron:

Q. And you said, "Yes." Did you know of that?

A. No, that's what I say—I did not—he asked me—I mean, I was thinking about something else. I thought they gave him those cards to interpret or something.

Q. So when you said, "Yes," to his understanding that happening, you didn't mean it that way, did you—you misunderstood what he was saying, didn't you?

A. I didn't understand who gave them the cards.

Q. All right.

Mr. Dunbaugh: I have no further questions.

By Mr. Kron:

Q. How many Negroes—to how many Negroes have you given the interpretation test?

A. One.

Q. No more?

[fol. 695] A. No, sir.

Q. At any time since you've been registrar?

A. No, sir, not this constitutional test.

Q. All right. To only one Negro?

A. Yes, sir.

Q. Allegation number 11 of the plaintiff's complaint, after giving the fact that the Louisiana Constitution of 1921 provided for an interpretation test, goes on to say, and I quote, "The purpose of adopting this interpretation test

was to provide a means by which the disenfranchisement of Negroes could be perpetuated." Since you have been registrar, have you used the interpretation test to disenfranchise Negroes and keep them off the registration rolls?

A. No, sir.

Q. You have only given this interpretation test to one Negro during that time?

A. Yes, sir, that's right.

Q. Now, in giving this interpretation test to white people—white applicants, did you at any time, in any single instance, purposely give a person a more difficult card than you would to someone else?

A. No, sir.

Q. Did you purposely choose a certain numbered card to give to any particular applicant at any time?

A. No, sir.

Q. Did you give lawyers more difficult cards than anyone [fol. 696] else?

A. No, sir.

Mr. Kron: That's all.

By Mr. Dunbaugh:

Q. Mr. Manning, you were the defendant in the case of United States versus Manning, is that correct?

A. Yes, sir.

Q. Prior to the time that Judge Dawkins issued his injunction in that case, approximately how many Negroes came to your office seeking to register?

A. They came by groups, different numbers in each group, so I can't say specifically the total number, but I would say, perhaps, 25.

Q. How many of those persons did you permit to actually apply for registration—fill out the forms?

A. One.

Q. Did you give him the interpretation test?

A. Yes, sir.

Q. Did he pass?

A. No, sir.

Mr. Dunbaugh: I have no further questions.

By Mr. Kron:

Q. Who was that?

A. Frank Nervis.

Q. And the details concerning his inability to pass have all been explained by you and are in the record in the Manning case, are they not?

[fol. 697] A. Yes, sir.

Q. And for purposes of this record, did Frank Nervis, after having been given the card, give you an interpretation or attempt to give you an interpretation of those provisions?

A. No, sir.

Q. What did he tell you?

A. He was unable to actually read the instructions on the card correctly, and he told me he was sorry he could not interpret that. He mispronounced even some of the words in the instructions.

Q. The Manning record shows, I believe, that none of the other approximately 24 Negroes who attempted to register ever got to the point of having to take the interpretation test, is that correct?

A. That's correct.

Mr. Kron: That's all.

By Mr. Dunbaugh:

Q. Is Frank Nervis now a qualified voter?

A. I understand he has registered at Monroe.

Q. By the United States District Court?

A. I believe so, yes, sir.

By Mr. Kron:

Q. He is not presently registered on the rolls—on the registration rolls of East Carroll Parish?

A. No, sir, not on my records.

Q. All right.

Witness excused at 10:25 A.M.

[fol. 698]

PLAINTIFF'S EXHIBIT No. 21U

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action File No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of Henry Earl Palmer, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the court room of the East Feliciana Parish Courthouse, located in Clinton, Louisiana, commencing at 9:30 o'clock A.M., on the 25th day of August, 1962.

[fol. 699] The witness, HENRY EARL PALMER, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. State your name and address, please.

A. Henry Earl Palmer, Jackson, Louisiana.

Q. Are you the Registrar of Voters of East Feliciana Parish?

A. I am.

Q. When did you assume office?

A. February 1, 1958.

Q. When were you appointed to the office?

A. The same—the same day. I got the appointment the same day, in fact, on the day before, I believe.

Q. Did you seek the job?

A. Did I—yes, I put in an application for it.

Q. What form did the application take?

A. I beg your pardon?

Q. Was it a written application or an oral—

A. No, it was—yes, I wrote the application myself. It was just—they advertised for registrars and I put my application in.

Q. Now, when did you apply for it?

A. 1957 sometime. I don't remember.

Q. Did anyone interview you concerning the—your application?

A. No.

[fol. 700] Q. Are you a native of this parish?

A. I am.

Q. When were you born?

A. When was I born?

Q. Yes.

A. November 14, 1913.

Q. And what education do you have?

A. I have a high school education and two years of college.

Q. At the time that you took office—

Off the record discussion.

By Mr. Dunbaugh:

Q. Did anyone instruct you as to what the job would be, what your duties were?

A. You mean before I took office?

Q. Just at the time you took office, either before or shortly after you took office?

A. No.

Q. Did anyone go over with you what the registration procedures were?

A. No. I had a book of the registration laws, and I read those.

Q. Did you read anything else in addition to that?

A. Well, I read newspapers and things like that, yes.

Q. Well, I meant in determining what you were to do?

A. No, we didn't have anything.

Q. What registration procedures did you adopt when you became registrar?

[fol. 701] A. The same that I have now. I went right down the registration laws. Everything it said in there you were supposed to do, I did it.

Q. Well, would you describe what happens to an applicant when he comes in the office?

A. When he comes in, the first thing he does is identify himself. After he identifies himself—at the present laws. Now they have changed a little bit since I took over. When I took over, the first thing they did was to identify themselves, then they took the application card and filled it out. I checked it, and if it was correct then I gave him a Constitution test.

Q. And if it was not correct?

A. If it was not correct they didn't get the Constitution test. They had to come back. The application card itself had to be correct. Then, after—if they took the Constitution test, they signed the precinct register, and that was all.

Q. You say that the procedures have changed since then?

A. A little. At the present time they identify themselves, read a section of the Constitution—Preamble, rather, of the Constitution.

Q. Of Louisiana or of the United States?

A. Either one. I used the Preamble of Louisiana, just let them read it, that's all. And then they write a section of it on dictation. Then they get their application card, fill it out, I check it. If it's correct, they get the Constitution test, [fol. 702] then sign the precinct register.

Q. In administering the Constitutional tests, what source do you use for the sections of the Constitution about which you ask?

A. I have 24 cards, I don't remember who they were put out by. When I first started I typed up my own cards. Each card had one section of the Constitution of Louisiana or of the United States on it. Such sections as Freedom of Speech, Freedom of Religion, Freedom of Assembly, the Fifth Amendment, things like that, you see.

Q. Did you select the provisions that you would use?

A. I selected those when I first started.

Q. Did you seek anybody's advice on which sections to use?

A. No, I just picked out the easiest ones that there was in there.

Q. No one helped you to select them in any way?

A. No. I selected my own.

Q. I see. And what basis did you use to select them—how did you determine which ones you would use and which ones you would not use?

A. I just picked the shortest and easiest sections of the Constitution.

Q. Were there some sections in either Constitution that you did not use because you did not understand them yourself?

A. No, not necessarily. There are probably a lot of them [fol. 703] in there that I don't understand myself, but that wasn't the reason that I picked those.

Q. And then you say that you got some cards?

A. I don't remember—Joint Segregation Committee, or someone, sent out these cards. These cards had three sections of the Constitution on them. Each card had three sections. Well, then I let them pick one card from a section.

Q. Let me interrupt you for a moment and show you Appendix B attached to the complaint in this case.

A. That's the cards, yes.

Q. Would you look those over, please?

A. (The witness so did.) I think these are the same ones, yes.

Q. How was the card selected for an applicant?

A. I turned the cards face down, with the Constitution clauses down, 24 cards. The applicant selects him one card. Then he picks one section of the 3 sections on the card, and reads it, and gives a reasonable interpretation of it.

Q. Did you take an entire set of 24 cards?

A. 24 cards, right. Place them face down, let the applicant draw one card, turn it over, pick out any one of the 3 sections and read it to me and tell me what it is.

Q. Does he read it aloud?

A. Aloud.

Q. And does he give his answer orally?

[fol. 704] A. Orally, yes.

Q. Is the card that he selects then put in the registration records?

A. What do you mean?

Q. With his application form?

A. No, not necessarily. If he fails that, I will put the section that he failed, I'll just put a notation on his card as to what section he failed.

Q. Do you note the number of the card that he selected, or do you note—

A. No, just note the number of the—

Q. —article and section?

A. —article and section, yes.

Q. If he passes, is there any record made of the section that he interpreted?

A. No.

Q. How did you first come into possession of these cards?

A. I got them through the mail, I told you—were sent out—I think it's the Joint Segregation Committee sent them out. And they would—since they had three sections on them, I figured they were a lot easier than the ones I had with one—they could pick one of the three sections. In other words, that gave them a chance—with 24 cards, pick one, and then pick one of the three sections. Makes it a whole lot easier than the Constitution test—let them pick the easiest one. It gives them a better chance.

[fol. 705] Q. Did anyone ever explain to you how these cards were to be used?

A. It has an explanation on the card, yes, but the police jury didn't adopt the cards, so we never used them as they said exactly. In fact I never asked the police jury to adopt them.

Q. Did anyone else ever tell you anything about the cards?

A. I don't believe, sir. I don't think anyone ever told me anything.

Q. I show you Appendix C to the complaint in this case. Would you look at that, please?

A. (The witness so did.)

Q. Did you get a letter similar to that?

A. I don't remember, I probably did. I don't remember specifically having that letter.

Q. What sort of an answer did you expect from that?

A. Anything reasonable. It is just to show he knows what he read is all.

Q. Have you studied anything to find out what these provisions mean?

A. What do you mean have I studied anything?

Q. Well, have you studied any laws or any textbooks or anything to determine what these sections mean?

A. No.

Q. Has anyone given you any advice as to what they mean?

A. No, I don't think I have asked anyone for any advice on any sections on those cards.

[fol. 706] Q. If an applicant doesn't understand a word in one of these sections, will you define it for him?

A. I have a dictionary that he can read it and define it for himself. I don't explain it to him myself. I let him look it up.

Q. If an applicant gives you an interpretation which you deem to be nonsatisfactory, do you tell him why it is not satisfactory?

A. I tell him what the definition—or the answer to the subject is.

Q. After an applicant selects a card and reads it aloud to you, is he allowed to retain the card while he gives his interpretation?

A. Yes.

Q. Has anyone spoken with you concerning the registration policies and practices?

A. What do you mean by that?

Q. Well, made—has anyone made any suggestions to you as to changes you might make or anything along those lines?

A. You mean recently—changes I may make recently that—

Q. Well, has anyone tried to influence you in changing your policies in one way or another?

A. No. The police jury passed a resolution when I went in. And I followed the law strictly. Well, I say, when I went in. It was about a year after I went in. They passed a resolution and sent it to me. I followed the law strictly, that's what I did.

[fol. 707] Q. Had you not been following it strictly—

A. I had been following it—

Q. —prior to that time?

A. I had been following it strictly—well, on minor mistakes I did not turn a person down. In other words, if they missed their age one or two days I didn't turn them down before that, but after that I—

Q. Has anyone other than federal agents inspected your voter registration records—

A. No.

Q. —since you've been registrar?

A. Yes.

Q. Who was that?

A. The district attorney came in there and inspected it. He and 2 or 3 other citizens of the parish.

Q. Did they then conduct a purge of the voter rolls?

A. They did.

Q. Has anyone from the Sovereignty Commission come around and talked to you?

A. I think one man came one time and introduced himself.

Q. Who was that?

A. Who was it?

Q. Yes.

A. I don't even remember his name now. D. K. something, but I—Deenie or something. I don't remember his name. I don't remember what his name was. He came in here and introduced himself and stayed about 15 minutes, [fol. 708] that was all.

Q. Has anyone from the Joint Legislative Committee spoken with you?

A. Not—Joint Legislative Committee—I don't think so, not recently anyway. Back when Earl Long was governor I believe Shaw and Rainach came in there one time.

Q. What did they say?

A. Nothing. They just came in to see how we were doing is all.

Q. If an applicant attempts to interpret one of these three provisions and does not do so successfully, do you permit him to try another section?

A. No, not at that time.

Q. I take it that you are a registered voter yourself?
A. I am.
Q. When did you register?
A. When I was 21 years old.
Q. Have you had to reregister since?
A. Yes, several times.
Q. When was the last time that you had to reregister?
A. I reregistered when we purged the rolls. When we purged the rolls, I reregistered then. That was in '59, I believe, or '58—maybe '58.
Q. Did you have to take the Constitution test?
A. There was no one to give it to me but myself.

Mr. Dunbaugh: Mr. Kron?

[fol. 709] By Mr. Kron:

Q. You stated that someone from the Sovereignty Commission came, you don't know who—
A. I don't remember his name.
Q. —but talked to you about 15 minutes. Did he tell you how you should conduct—
A. No.
Q. —the registration?
A. No.
Q. Is it not a matter of fact—is it not a fact that he asked you questions about how you register people, rather than told you anything?
A. I believe he did, sir. He asked me how—what procedure we went through.
Q. As a fact then, he was seeking information and not trying to influence you in any way?
A. That's right.
Q. Now, then, there was a question put to you about whether you used this test to make it difficult for anyone to register, or did anyone—the question really was, did anyone try to influence you to change your policy. Did anyone try to influence you to make it more difficult on anybody?
A. No, sir.
Q. Did you try to make it more difficult on anyone?
A. I did not. I started out—in fact, I tried to make it more lenient on them.

[fol. 710] Q. As a matter of fact, in choosing, on your own, the sections of the Constitution, you chose the easy ones—

A. Easy ones.

Q. —so that the ordinary man could understand what you were talking about?

A. Yes.

Q. Did you, or did you not, or have you, or have you not at any time tried to use the interpretation test as a means to discriminate against Negroes?

A. I have not. In fact, very few people are turned down on the Constitution test.

Q. That's my next question.

A. Most of the people are turned down on the application card test.

Q. Could you, and I know you don't have your figures with you, but could you give me some idea how many people have been turned down, have been refused the right to register since January, 1962, purely because they failed this Constitution interpretation test, about how many?

A. I don't think that anyone has been turned down since the first of the year on the Constitution test.

Q. All right.

A. I don't think anyone.

Q. That's then a period of 8 months. How many people have registered during that time, roughly?

A. I would say approximately a hundred.

[fol. 711] Q. So that out of one hundred people during 8 months, there has not been a single person who has failed to register because of this test?

A. That's right.

Q. That's all.

By Mr. Dunbaugh:

Q. You have failed people on this test though?

A. Very few. It's a few, yes. I can take you over there—I've got a record of everyone that has failed, white and colored. And there's been a whole lot more whites failed on it than it has colored.

By Mr. Kron:

Q. How long have you been a registrar?
A. Since 1958.
Q. Since '58.
A. In February—
Q. How many have failed because of this test since '58, roughly?
A. Less than a hundred, I would say.
Q. How many of those would be Negroes?
A. I would say about 25.
Q. So that there have been more white people failed to register because of failing the test—
A. That's right.
Q. —than there have been Negroes?
A. That's right.
Q. That's all.

[fol. 712] By Mr. Dunbaugh:

Q. How many Negroes have you registered since the presidential election?
A. Since the presidential election, I couldn't tell you.
Q. Have there been any?
A. I imagine there have. I just don't know offhand. When was the presidential election—2 years ago?

Mr. Kron: In the fall of '59.

A. Yes.

By Mr. Dunbaugh:

Q. 1960.
A. I'm sure some have registered since then. In fact, I'm sure some have registered. I haven't had—I'm just reminiscing right now. I just don't believe that I've had an applicant in the last year.

Mr. Kron: A Negro applicant.

A. A Negro applicant.

Mr. Dunbaugh: That's all.
Mr. Kron: That's all.

Witness excused at 10:01 A.M.

[fol. 713]

PLAINTIFF'S EXHIBIT No. 21V

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

STATE OF LOUISIANA, et al., Defendants.

Deposition of SIDNEY WELLS PLATT, taken at the instance of and on behalf of the Plaintiff; August 21, 1962, in Caddo Parish Courthouse in Shreveport, Louisiana.

[fol. 714] SIDNEY WELLS PLATT, witness, called on oral examination by Counsel for Plaintiff; first duly sworn, did depose and say, to wit:

Examination.

By Mr. Dunbaugh:

Q. State your name, please?
A. Sidney Wells Platt.
Q. Where do you live, Mr. Platt?
A. Grand Cane, Louisiana.
Q. What position do you hold?
A. Registrar of Voters, DeSoto Parish.
Q. How long have you held that position?
A. Since April 20, 1959.
Q. Did you seek the job?
A. I did.

Q. And how did you go about that?

A. By a letter to the Police Jury asking to be considered for appointment.

Q. Did you set forth any of your background information in your letter?

A. No.

Q. Were you ever interviewed for the job?

[fol. 715] A. Yes.

Q. By whom?

A. By the entire Police Jury and the Policy Jury Attorney.

Q. What did they ask you then?

A. That I don't recall, just what I had done in the past.

Q. Did they ask you anything about what your policies would be?

A. No.

Q. Did they suggest any policies?

A. No.

Q. Did they suggest or explain what the job was about?

A. No.

Q. When were you born?

A. October 21, 1915.

Q. And where?

A. Grand Cane.

Q. Have you lived there all your life?

A. No.

Q. Where else have you lived?

A. I spent 20 years in the United States Marine Corps.

Q. And you were stationed in various parts of the world during that time, and then returned?

A. That's right.

Q. When did you return?

A. To Grand Cane? I retired from the Service on August 31, 1954. I was transferred to Fleet Reserves, I'm still a Reservist.

[fol. 716] Q. What sort of education do you have?

A. Formal or otherwise, which are you speaking of?

Q. Well, we will take both. Let's start with your formal?

A. Formal education; high school, numerous service schools, including the course in Naval Law while I was in

the Service; and various other service schools that I attended along the administrative lines.

Q. What other background do you have? You suggested some other informal education.

A. Training and experience.

Q. What was your job in the Marine Corps?

A. I was Sergeant Major. Of course, I started out as a Private, but since 1943, in what we called then the first pay grades, Sergeant Major or First Sergeant.

Q. Were you a registered voter at the time you were appointed?

The Witness: A registered voter?

Mr. Dunbaugh: Yes.

A. Yes.

Q. Who registered you?

A. A Mr. Slawson.

Q. Is he your immediate predecessor in office?

A. Yes.

Q. What did you have to do to become registered?

A. He had me sign a card and read a portion, I suppose, of the constitution. I don't recall what it was, but I did read [fol. 717] something and give a small interpretation of it.

Q. When was that?

A. I believe I registered in 1952. Prior to that I voted in New Orleans, and prior to that I voted in Philadelphia, Pennsylvania.

Q. You said you retired from the Marine Corps in 1954?

A. That's right.

Q. Had you returned to Louisiana before that?

A. Yes sir. I was stationed in New Orleans for about four years after I came back from Korea.

Q. And you registered in DeSoto Parish, then, before you retired?

A. That's right.

Q. Now, at the time you first registered, wasn't DeSoto Parish on periodic registration then?

A. State your question again, please?

Q. Was DeSoto Parish on periodic registration when you first registered?

A. I suppose it was, I think they registered every 4 years then.

Q. What I was wondering was, did you register more than one time?

A. One time only, I was transferred under permanent registration when DeSoto Parish went under permanent.

Q. I see. Well, whenever it was that you were required by Mr. Slawson to fill out a form and to read and interpret or read and explain something; it was the only time that you have ever registered in DeSoto Parish?

[fol. 718] A. That's correct.

Q. And you are currently a registered voter?

A. Correct.

Q. Do you know when they went on permanent registration?

A. I could guess, but I think it's a matter of record, and you could get the correct answer by referring to the record.

Q. How did the vacancy in the office occur prior to your taking office?

A. Retirement; Mr. Slawson retired.

Q. Did Mr. Slawson explain to you what the job was about?

A. Yes.

Q. What did he say you were supposed to do?

A. He outlined the office procedure that he used, and also stayed there with me for 2 or 3 days after I took office; and Mr. Burgess here, who is our Assistant District Attorney, he also advised me prior to—of course, I was in office already, they kind of supervised and answered questions that I might ask.

Q. I see. Well, what was the procedure, then, at that time?

A. Procedures then were the same as they are now. When an applicant comes in, he was required to furnish proof of his citizenship; that is, of the state, that of his age and that he was able to read and write and qualify under the state law.

Q. Well, let's take that a little more slowly. Starting with the first thing, you say he has to prove his residence?

[fol. 719] A. That's right.

Q. With some documentary evidence, or how?

A. Well, what do you mean by documentary evidence, a driver's license? I'd take a driver's license.

Q. Well, I mean can he just say that he has lived in the Parish for two years—?

A. No, I don't take that.

Q. —or 3 or 4 years, or whatever is required?

A. Some proof. We live on the Texas line, and when I came there, and even now, we have lots of people from Texas that want to register in DeSoto Parish, and it's been a problem separating them.

Q. I see. So, what sort of evidence—?

A. Usually a driver's license. If they can't produce a driver's license, homestead exemption or a receipt—some might have their light meters, gas meter or something that would show dates.

Q. And then what is the next thing after that?

A. Well, after they've established that, well I give them the—now we have a card that they will obey the state laws, and I give them that card to fill out; and when they fill that out, then I have these cards, and I turn them upside down and fan them out just like it was a game of poker, and let them take one out; and I say, "There's three parts of the constitution, turn it over and select any one of the [fol. 720] three you wish, read it; turn this card over that says you will obey the state law, and write your interpretation right across the back of it." When they have done that, then I give them the LR-1 card.

Q. I see. The cards you are referring to, then, are these that are Exhibit-B attached to the complaint?

A. I'm sure that's them, that's right. I believe it's 24 or 25, or some similar amount; they're numbered cards. I don't even know if I have all of the numbered cards or not.

Q. Now, that was the first—the procedure that Mr. Slawson had?

A. I can't answer as to his procedure, except when I registered myself.

Q. Well, that's the procedure he taught to you?

A. That's the one he suggested to me.

Q. Did anyone else offer any suggestions as to what your procedure should be?

A. No one.

Q. Did you read anything in—?

A. Yes, we have a condensed form, furnished by the Secretary of State, of the laws pertaining to people registering. It's taken, I suppose, out of the—wherever it comes from, out of the constitution and other regulations, which I use quite often.

Q. That's a little white pamphlet—?

A. That's correct.

[fol. 721] Q. —of the voter registration laws?

A. Put out by the Secretary of State, Wade Martin, and kept pretty current.

Q. What records did you find in the office when you took over?

A. Numerous records, back to the time of Christ almost; they go back almost to the time we had poll tax in Louisiana. They're all there, of course, and the records really are in order ever since when Mr. Slawson went into office, which I believe was in 1941. They're alphabetized and in order; in other words, they are there.

Q. Are the application forms of those currently registered, kept separate from those prior to—?

A. They are.

Q. So that in the current file of application cards, they would go back to the time when registration was made permanent?

A. They would go back from the time that a man was registered between that four-year period and the time they were blanketed in under permanent registration, depending on what date he registered.

Q. Now, when you took office, did you examine those records?

A. Individually or just—?

Q. Did you just glance through them?

A. Glanced through them; yes, we work with them all the time.

Q. Were there any of these test cards in those?

A. No, they weren't used for that, those cards were [fol. 722] merely used for—see, we have one set of cards; we don't use them like they do, we just use one set. Instead

of using the book, I just take the cards and set them out; and if you are registering you pull one out, and I tell you it's got three parts of the constitution; you turn it over, select any one of the three you wish, read them all three, or whatever you want to do, and write your answer to any one of the three.

Q. But you don't write it on the card?

A. No.

Q. You write it on the back of the oath card?

A. That's since November of last year.

Q. And what about November of last year?

A. We had no place to write it then, unless we attached a blank card to them files; and as far as I know, there is no provision in the law to do that, so I didn't do it.

Q. So, between the time you took office in 1959 and 1961, I guess—?

A. November of last year.

Q. November of 1960, I believe—or '61?

A. It would be November of last year, yeah, '61.

Q. 1961—then the answers were not recorded?

A. No.

Q. Is there any record of the questions, of the numbered card that was received by the applicant?

The Witness: That I used at that time or now?

[fol. 723] Mr. Dunbaugh: Either time.

A. No, I didn't have a—a man, when he selects the one he wants—of course, it won't be true in all of them, because sometimes you do things one way, and sometimes you do them another. I try to have them write the article and the section that it comes from, and under that write their interpretation of it. Of course, they're not all that way; some of them are, and some of them are not, it depends on—

Q. But prior to the time the answers were being written, there was no record kept of the questions—?

A. None whatsoever.

Q. —or of the answers?

A. No.

Q. I should say of the provision that was selected?

A. No provisions that I know of, nor did I keep any.

Q. And since on some of these cards the same question will appear on more than one card, or the same provision will appear on more than one card; it's not clear, I take it, from your records which of the cards containing that provision the applicant got?

A. On some of the cards, now, he would write the article that he selected, and if you'll look on those cards, at the heading it gives each article and section of the constitution, whether it's Louisiana or an amendment, or whatever it might be; then he would write that, and then underneath [fol. 724] that he would write his interpretation.

Q. Yes, but since the same article may appear on other cards, it's not sure that he got this card or the other card?

A. It would be unlikely—I selected no cards; if that's what you're getting at, I selected no cards, the applicant draws his card, just like drawing cards out of a deck.

Q. Yes. You set the whole series out?

A. If I had a whole series, I don't even know if I had one.

Q. But you set out all the cards you do have?

A. That's right, spread them upside down on the table, and he selects the one he wants; just pulls one out and turns it over, and if he can read one out of three and give a reasonable interpretation.

Q. Were those cards in the office when you took office?

A. They were.

Q. And have any of them been replaced?

A. No.

Q. So, it's the same set that was there when you took office?

A. That's right.

Q. Do you have any deputies?

A. I have a part-time deputy, yes, Mrs. Slawson; she's the wife of the former Registrar. She doesn't work every day.

Q. Did you instruct her as to what to do?

A. That's correct.

Q. Now, you said you used all of the cards that you have; [fol. 725] you have not eliminated any of those cards?

A. I have no reason to.

Q. Do you understand each of the provisions on all of those cards that you have?

A. I have an interpretation of them myself. Whether they would be an attorney's—I don't ask for any technical opinion. If he—like one, if he says that no law be passed concerning religion on it, and he says, "Freedom of religion", that's all right with me, I don't—just a sample form. Most of them answer them with 1 or 2 words, some write you a whole book on them.

Q. Well, when you first took over the office, I take it you were not familiar with the cards at first?

A. No.

Q. Did you study the cards?

A. I read them, yes sir.

Q. How did you determine what answers were going to be acceptable?

A. Well, most of them are pretty simple. If you've read them yourself, I don't see that there would be much question about answering them. If it says, "No laws will be passed to curtail freedom of speech," it's freedom of speech. I learned that in grade school. Of course, there might be some technical questions asked, and my answers might not suit you. I'm sure I can answer 1 out of any 3 cards you'd [fol. 726] pick, though; I believe anyone can if he'll check them over.

Q. Has an applicant ever given an interpretation to one of these that you did not understand?

A. You mean to read it and interpret it? Yes, I've had some of them read "freedom of religion," and turn around and interpret that the Supreme Court does this and does that.

Q. No. What I meant to say was: Have you ever—well, you said that you understand each of these—?

A. No, I didn't, I said I believe I can give a reasonable interpretation of any one you select on any card; I believe anyone can.

Q. Well, what I meant to say was, that if there are some of these—are there some of these provisions that you don't understand, that you aren't too sure of the meaning of?

A. Well, now how technical are you with this provision that you are talking about; just a reasonable interpretation as the state law says? I believe I can do that on any of them; a reasonable interpretation.

Q. Do you understand what the word "venue" means, for instance?

A. Yes. If a man is in one parish and he wants to change his venue to be tried in another parish, he can request that it be done.

Q. And prescription?

A. Prescription is usually a time that runs, prescription of time.

[fol. 727] Q. Does Mrs. Slawson sometimes test applicants?

A. Yes.

Q. Do you think she understands all of these provisions?

A. If she turns any down, I take them over and try them after that. Anyone that she is in reasonable doubt about, that is rejected for any reason—she doesn't reject applicants; if I'm out of the office, she asks them to wait until I come back.

Q. Now, you don't have the applicant answer three of them, they only answer one, is that correct?

A. One.

Q. Suppose they answer one of the more difficult ones and they answer it wrong, whereas on the same card there may be an easier one; do you let them try again on this other one, or—?

A. They can try all of them if they want; if they answer one out of the three, it's all right with me. They can write the answer down to all of them, I just ask for one; if they write all three and they answer one out of the three and it's satisfactory to me and reasonable, I accept it.

Q. Even if the other three are clearly erroneous?

A. That's right. I haven't had that to happen except with a couple of preachers—they're white at that—and they'll answer all three, they'll write you a book if you will give them enough paper.

Q. If they only answer one, though, and answer it wrong, [fol. 728] do they get another chance?

A. Not that day.

Q. They do not get another card or a chance to go on the same card again?

A. I give them one card, one time, one day, that's right. If you have a line and just keep giving the same person a

chance, he is using up the other people's opportunity who are behind him. He can come back the next day and try it, or the next day and try, he can try every day; and if I turn him down, then I tell him, "You have recourse through the state courts, you can go to the FBI, you can go to the Civil Rights Commission, you have recourse to my decision." I inform each and every one that I turn down that.

Q. But even if there is no line, he does not get a second chance that day?

A. Not that day, no.

Q. When you hand an applicant a card, what do you tell them?

A. Which card?

Q. Well, you don't hand them a card, do you, you spread them out for them?

The Witness: Now, there are three cards, which card are you referring to?

Mr. Dunbaugh: Well, I'm talking about the test cards.

A. Oh, test cards; I just fan them out and tell them that Louisiana law requires that they read and interpret a por-
[fol. 729] tion of the Constitution; and that these cards contain three parts of either the Louisiana or the United States Constitution, and he can draw one, turn it over, select the one he wishes and write his answer. I don't require him to read it out loud or to tell me what it means. If he runs across a word that he don't know, if he asks I'll tell him; if he don't ask, I don't tell him.

Q. What did you do with illiterates before they were barred from registration?

A. I've had one; in my time I had one. I registered him when he brought two applicants—I thought I was going to have to fight him at first, and then he went and got two qualified registered voters from his ward and precinct and brought them in, and I registered him.

Q. Now, how did he take the interpretation test?

A. You read it to him and he interprets what he thinks it means.

Q. Did he select a card in the same manner as—?

A. No.

Q. How was his card selected?

A. One of his witnesses selected the card for him.

Q. In the same manner as other applicants?

A. That's right.

Q. And who read the card to him?

A. I did.

Q. Did you read all three provisions?

[fol. 730] A. Yes.

Q. All right. Now, what are you testing when you give the interpretation test?

A. What am I what?

Q. What qualification are you testing?

A. I'm complying with the law; it says that he reads and interprets—a reasonable interpretation of a portion of the constitution, and that's what I consider in my test.

Q. Well, what exactly are you seeking?

A. To comply with the law, as I understand it.

Q. What I'm getting at, what type of an answer is satisfactory, how well must he understand the law?

A. Well, I gave you some samples back there as to what I accepted, and I believe that would be explanatory as to what I accept; just a minimum—a reasonable interpretation.

Q. Reasonable for the average man?

A. For less than the average I would say.

Q. For less than the average man. Do you have a real or a hypothetical man in mind, somebody that you know that you think is of that minimum level?

Mr. Kron: I object to the form of the question. We're getting into political and sociological philosophies. That's not this man's object, he is required under the law to do a [fol. 731] certain thing, and he's doing it as he sees the law; and he has answered that question.

Mr. Dunbaugh: Are you instructing him not to answer it?

Mr. Kron: I do.

Q. Now, other than the change from not writing the answer to writing the answer, has there been any other change in the tests?

The Witness: In the test itself?

Mr. Dunbaugh: In the interpretation tests.

A. None whatsoever.

Q. Now, I believe you said that they fill out the application form before they take the test, or is it after they take the test?

A. No.

Q. After they take the test?

A. They take the oath card first—I don't even know the number, or if it has a number, it's an oath card; if they can fill that out and they can read and write it—if they don't know their ward and precinct, if they will tell me where they live, I'll tell them that; and then I give them the constitutional cards, or they draw one.

Q. If someone fails on the constitution, they do not get the application card; is that right?

A. No. Now, I say no; sometimes they work it the other [fol. 732] way, sometimes they work it one way—it's just a procedure that you might—you might ask the questions one way, and turn around and ask them another way, and I run my office in the same manner. I might run it this way one day, but the next day I might give him a card first.

Q. If someone says, "Well, I can't answer these"—has that ever happened?

A. Quite frequently.

Q. Is there any record made of the card that he got?

A. How are you going to make a record if he can't write, or refuses to write?

Mr. Kron: Are you talking about the same cards, now?

Mr. Dunbaugh: I'm talking now about the interpretation test cards.

A. Well, you said, "If he couldn't write"; if he can't write, you don't go no further than that.

Q. Well, no. Suppose a person come in and he takes the oath, signs the oath, and then he selects a card; and he reads it over and says, "I can't answer these."

A. Well, it's no need of going any further.

Q. Do you write down the number of the card?

A. No, I don't write anything down—

Q. There is no record of that?

A. —except that he just failed; "Failed constitutional," [fol. 733] or "Failed to read the constitution," "Refused to write it"; then put it in the file.

Q. You write that down?

A. Sure.

Q. Where do you write it?

A. I write it on that card.

Q. On the oath card?

A. That's right.

Q. Before you had the oath card, was there any record kept of such instances?

A. Yes.

Q. What record?

A. It's kept on the LR-1 card; we used them first then.

Q. Oh, prior to the time you got the oath card, they got the LR-1 first?

A. That's right.

Q. So, up until the time that the oath was used, they got the LR-1 first, and then the test?

A. That's right.

Q. Now, they get the test first, and then the LR-1?

A. That's correct— No, not first, now, they get the oath card first, the test card second.

Q. And the LR-1 third?

A. The LR-1 third.

Q. Then, if there is any applicant who is rejected on [fol. 734] the basis of his application card not being properly filled out—?

A. There's some rejected on that, yes.

Q. Under the prior practice, it can be assumed that he interpreted the constitution satisfactorily?

A. Under the practice I have now, there would be a record of it; there is a record made, he writes it on the back of that card. Those cards are in my office and have been photographed by the Department of Justice.

Q. Has anyone spoken with you concerning your registration policies and practices?

A. Oh, lots of people, everybody you see on the street talks to you about it. I think the public should know how

I run my office, and I go before the Police Jury and before civic organizations that invite me to speak, and tell them how I operate my office.

Q. Have you received any instruction from the Police Jury as to what policies you should adopt?

A. No, I don't believe they have any jurisdiction over my office, other than to appoint me; and after I'm appointed, then I believe I come under a different department altogether.

Q. So that the policies that you have adopted, the procedures that you use and the standards by which you judge the cards are your own?

A. They're mine, based on the law as I interpret the state law says that I do it; but just for me to make them [fol. 735] up, no, I don't do that, I base it on the law as I read the state law, it tells me how to operate.

Q. Has anyone in an official or unofficial capacity given you any guide-marks as to what is a reasonable interpretation?

A. No. If they have—there might have been a letter came, but I don't recall; and I believe at one time the Board of Registration—Mr. Cutrer—sent out a letter of some kind. I think, though, that you have referred to it, and I know you have a copy of it; so I received a copy of the letter that you have, or have reference to. I don't even know the date, but I'm sure that I received a copy; because I know you have referred to it, and I do have it—or I throwed it away. It was a suggestion; to me it was a suggestion and not an order, and I chose not to—I chose to stick with my present procedure.

Q. So that you're the sole judge of what's a reasonable interpretation?

A. No, I'm not the sole judge, I think the interpretations are laid down for years. When I went to school and studied a little bit, and in my every-day life, I judge it on that; and judge it by people that I hear talk and people that I—and in the court proceedings, and things like that. They've made the interpretations, I think I just use it as a guide-line.

Q. Well, I mean; say for a particular applicant and a particular answer that he has given, you are the sole judge [fol. 736] of whether it's a satisfactory answer?

A. I don't exactly know what you're driving at right now.

Q. Well, if an applicant comes in and he selects a card and he writes an answer on the card, you're the sole judge as to whether that's a reasonable answer—?

A. I think he and I together are. If I'm not quite sure of what he means, I'll ask him: "What do you mean, can you amplify further, or do you wish to change it, or do you think you're right; what do you think about it?" I discuss it with him a little bit.

Q. You do that in all cases where a person would be rejected otherwise?

A. Absolutely.

Q. Has anyone from the Sovereignty Commission come around and talked to you about registration policies and practices?

A. Two gentlemen came, but as far as the practices and all, as far as discussion with me on how to operate the office, they have not; but I don't know whether they were from the Sovereignty Commission or what commission, but they were two that came.

Q. Do you recall their names?

A. No. I think they were more or less coordinators to see how each office was operating; they made no suggestions as to how to operate the office. They might have asked me some questions as to how I operate it, and if they did, [fol. 737] they got the same answers you're getting right here.

Q. Did they look at your registration records?

A. No, they looked at nothing.

Q. Has anybody looked at the registration records, other than federal agents?

A. No, I don't think anybody else is interested in them; not since I've been there, they haven't.

Q. In addition to studying these cards, reading over the cards, did you do anything else to study for the tests?

A. Me study for a test; I haven't taken any test, I don't know what you're referring to.

Q. Did you study anything else to determine what would be a reasonable interpretation of some of these provisions?

A. Well, they taught that in school from the time I started and while I was in the Service, and I took a course

in Naval Law while I was in the Service; and I believe—as simple as most of those are, I don't believe anyone would have any trouble interpreting them for what I would require for an interpretation of them.

Q. Well, since you've been Registrar, have you read up on any of these provisions, studied an annotated edition of the Constitution or—?

A. I don't even have a copy of it.

Q. —or inquired of a lawyer about it?

A. Yes; if I have a problem, I have several attorneys [fol. 738] that I would turn to; but I haven't had to ask any of them on these interpretations, no. We have access to the Attorney General's Office also if we need a question answered; I could pick up the phone, if I need to, and call there.

Q. Do you also use the preamble?

A. No.

Q. You do not require applicants to—?

A. I don't even have a book; I don't even use a book, there's not one of those books in my office, and the preamble is not contained in any of those cards. I use the cards only.

Q. What are you basically trying to find out about the applicant, are you trying to find whether he can read and write?

A. I'm trying to find out if he is qualified to register, that's my job there; and if he is qualified, I register him, if he is not, I turn him down. That's the only basic thing I'm trying to find out.

Q. Well, in giving these tests, are you trying to find out whether he can read and write?

Mr. Kron: I object to that, and instruct him not to answer. The objection has already been made. We are again reverting to the political philosophy of a certain group, which is not a part of the Louisiana law. This man has stated for the record that he is trying to follow the [fol. 739] law as it is set forth.

Mr. Dunbaugh: Mr. Kron, we're simply trying to find out what he feels is a reasonable interpretation—

Mr. Kron: You're trying to prove that every man, because he is a citizen, should be entitled to vote; we don't believe that way in Louisiana. The Lassiter case says we have the right to prescribe minimum qualifications; those minimum qualifications have been prescribed, and this man is doing a very, very fine job of following the law.

Mr. Dunbaugh: Well, I'm simply trying to find out what he thinks he—

The Witness: Can I show him something here now—if he will cut that machine off there a minute?

(Colloquy of counsel and witness)

Q. Louisiana law requires, does it not, for them to be able to read and write?

A. Yes.

Q. What do you consider the test that you give as to illiteracy?

The Witness: Illiteracy tests?

Mr. Dunbaugh: Yes.

[fol. 740] A. If he can fill that card out, and if he can read the Constitution and reasonably interpret the back of it, I think he can read and write. Wouldn't you? I'm not supposed to ask the question, but I accept that as— Now, to further amplify that, there's a lot of them that fill the cards out that can't read and write, because they count the lines; and if you don't believe it, I have one down there that answered—they turned the card around a little bit, and where he got the answer from I don't know; but he said his sex is good. Of course, I agree with him, but that is on one of my cards; and every time they change the cards, you would be surprised at the answers we get.

Q. You change the application card around?

A. I have no authority to change them, I accept what the state gives me.

Q. Well, what I'm trying to find out is whether or not, in giving the constitutional interpretation test, if you're finding out any more about the applicant than that he can read and write?

Mr. Kron: Object to the question, and instruction to the witness—the question has already been answered as fully as a man can answer the question.

Mr. Dunbaugh: OK. That's all, Mr. Platt. Mr. Kron, do you have any questions?

[fol. 741] Examination.

By Mr. Kron:

Q. One thing. Is it not a fact that the two men whom you think were from the Sovereignty Commission, were actually interviewing you, asking you for information, rather than giving you any instructions?

A. They gave me no instructions at all.

Q. They were trying to find out the modus operandi of your office, is that correct?

A. That's correct.

Q. In addition to that, has any agent, political or otherwise, and particularly the Police Jury or the Attorney General's Office or the District Attorney or his assistant, ever asked you or suggested or instructed you to operate on a discriminate basis as to color?

A. They have not.

Q. Have you in any manner, shape or form conducted your office in a discriminatory manner, based on color?

A. I have not.

Mr. Kron: That's all.

Mr. Dunbaugh: No further questions.

Witness excused.

[fol. 742]

PLAINTIFF'S EXHIBIT No. 21W

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

STATE OF LOUISIANA, et al., Defendants.

Deposition of MR. J. A. H. SLAWSON, taken at instance of and on behalf of Plaintiff herein; on October 12, 1962, in DeSoto Parish Courthouse, Mansfield, Louisiana.

[fol. 743] MR. J. A. H. SLAWSON, witness called on oral examination by Counsel for Plaintiff herein; first duly sworn, did depose and say, to wit:

Examination.

By Mr. Dunbaugh:

Q. Will you state your name and address, please?

A. J. A. H. Slawson, 402 Gibbs Street, Mansfield, Louisiana.

Q. Were you formerly the Registrar of Voters of DeSoto Parish?

A. I was, yes sir.

Q. How long did you hold that office?

A. From November 14, 1941, until I retired in April of 1959.

Q. When you first took office, what procedures did you adopt for registering applicants?

A. Well, that's kind of hard to remember all of that now. At that time it wasn't as strict as it is now, of course. We'd gave them a card and have them fill it out, and if it

seemed to be correct, well I'd qualify them; that is, correct so far as I was concerned.

Q. Was it necessary at that time for an applicant to read and interpret any section of the constitution?

A. Not at that time, no sir.

Q. Did you later require that applicant read and interpret a provision of the constitution?

A. Well, yes, when the laws were changed. They changed the laws every once in a while, you know, and of course we [fol. 744] had to follow the changes.

Q. Do you recall when it was that you started using that requirement?

A. Well, no, I don't, not offhand like this; good many years after I took office, of course.

Q. Now, in 1956 there was a purge of the vote rolls; is that correct?

A. That's right.

Q. Was it after that time that you started using the test, the interpretation?

A. I believe it was.

Mr. Burgess: Is there any way you can refresh your memory on that and be precise?

A. Well, I don't have any notes or anything. I did have the congressional record that I had all of that in, but I threw that away here a while back.

Q. Well, in 1956 who conducted the purge of the voter rolls?

A. The people.

Q. What people?

A. People of Louisiana and DeSoto Parish.

Q. Was it done by members of the Citizen's Council of DeSoto Parish?

A. Well, no doubt some of them were members, I didn't question that.

Q. Were you a member?

[fol. 745] A. Sure, ever since they started; still am.

Q. How many people were purged?

The Witness: Can I look at my notes?

Mr. Dunbaugh: Sure.

A. If I remember well, there were 574.

Q. How many of those were negroes and how many whites?

A. Well, very few whites.

Q. When did DeSoto Parish go on permanent registration?

A. In 1955, if I remember well.

Q. Was that before this challenging, or was this after the challenge?

A. That was before the challenge.

Q. Now, when you adopted the interpretation test, what procedure did you use to test applicants?

A. Oral at first.

Q. Did you use a book with the constitution in that?

A. Oh, yeah; made them read a section of the constitution, constitution of the United States, and also the State of Louisiana.

Q. You had two different books?

A. Yes—No, I had one book, but I had a—of course, I knew what the Constitution of the United States was, actually, as well as the State Constitution.

Q. They were both in the same book?

A. No. I did have a—I had the United States History—I [fol. 746] believe I'm right—in my office.

Q. Now, was the applicant supposed to read a section out loud?

A. That's right.

Q. How did you pick out the section that he was to read? A. Well, that was up to me, I selected some that, as a rule, I thought they could read. I never did try to get something out of it that would stump anybody.

Q. There were some sections that you never used?

A. That's right. I could have used any section I wanted to, see, under the law.

Q. But you didn't use all of the sections?

A. Oh, no; skipped around.

Q. When an applicant would walk in, how would you pick out which one you were going to give him?

A. Oh, well, I wouldn't pick out the one the other fellow had, because they might be telling tales out of school here among themselves; I couldn't afford to do that.

Q. All right. Now, in addition to reading the test—you said the applicant had to read it out loud to you?

A. Yes sir.

Q. After he read it, did he have to do anything else?

A. Had to explain it to me, give it to me in his words, the way he understood it.

Q. Did you make any record of what section you asked him to read?

A. No sir, I didn't, I just picked them out.

[fol. 747] Q. Is that true of both the people who passed and those who failed?

A. How is that?

Q. Is that true of both the people who passed and the people who failed?

A. Oh, yes.

Q. Did you make any record of the answers that they gave?

A. No sir.

Q. Now, is this the system that you used the whole time that you were Registrar, when you were giving this test?

A. Yeah, up until I retired, sure. As I told you before, that was not in the beginning, of course.

Q. Yes. Then, you didn't change over to using cards or something else, other than the book?

A. Uh huh. (Affirmative)

Q. You always used the book?

A. Oh, no, when they changed over to those cards, well I dropped the book, naturally. Wait a minute, let's don't get me balled-up on that; I still would question them to see if they understood what they were doing.

Q. Now, Mr. Slawson, I will show you Appendix-B of the Government's complaint in this case. Do you recognize what those are, those 12 pages there?

A. Well, I didn't have this kind of a form, I just used the book.

[fol. 748] Q. You never used those cards, you just used the book?

A. The ones we have now, you mean?

Q. Well, no, these cards here that are Appendix-B?

A. Well, I think these things came out since Mr. Platt took over—didn't they, Sidney? Could he answer that?

Q. Well, you didn't use them, that's the question?
A. Not this, I had nothing like that, only the book.
Q. Will you take a look at Appendix-A?
A. Uh huh. (Affirmative)
Q. Have you ever seen one of those?
A. Yes sir.
Q. In the original, that's a little booklet, is that right?
A. That's right.
Q. Where did you get that?
A. Secretary of State sent it to me, or the Attorney General, one or the other; I don't remember which one.
Q. Some office in Baton Rouge?
A. Oh, yes.
Q. When an applicant gave you his understanding of the section, were you the sole judge of whether that was correct?
A. That's right, he had to give me the definition in his own words, to my satisfaction, see; that I knew that he understood what he was doing and understood the constitution, the requirements.
Q. Now, would you explain to us again why it is that you [fol. 749] started using the tests?
A. How is that?
Q. Why did you start to test people on the constitution?
A. Well, let me say this: I'm a little bit hard of hearing, that's why I have to ask you the second time, you see; I'm sorry.
Q. You started to use the test, I believe you said, sometimes after the purge; you started to inquire about an applicant's ability to read and understand—?

The Witness: Did I say after the purge?
Mr. Dunbaugh: I believe you did.

A. Well, I might have made a mistake there, it was all along about the same time anyway; I don't know.
Q. It was about the same time as the purge?
A. It might have been a little before and it might have been a little after, I wouldn't say for sure, I can't recall that.
Q. Why did you start using it, why did you start requiring applicants to interpret the constitution?
A. Because of the law.

Q. Did someone suggest to you that you ought to use it?
A. As I remember, I had instructions to that effect.
Q. From whom?
A. Well, it would be the Attorney General I imagine.
Q. Do you recall who—?
A. A little pamphlet came out about those things; maybe [fol. 750] you've got a copy of it, I don't know, you should have.
Q. Do you recall who instructed you?
A. Well, it would have been the Attorney General, he sends those little pamphlets out, and the Secretary of State sends them out too. I had all of those things in the office; of course, I've done away with all of those things now, naturally. It may be some of them in the office still.
Q. How old a man are you, Mr. Slawson?
A. Sixty-nine. (69).
Q. Are you a native of this Parish?
A. Yes sir.
Q. And did you go to school here?
A. Yes sir,
Q. And how many years of schooling do you have?
A. Seven grades is all I got. I would have had to come to Mansfield; I lived out in the country out here, and of course I didn't have any way to come to Mansfield to enter high school, the 8th grade, so I had to stop at the 7th.
Q. Are you married?
A. Sure.
Q. Was your wife your deputy when you were Registrar?
A. Yes sir, she worked with me all the time.
Q. Is she still the Deputy Registrar?
A. She works in the office, yes sir.

Mr. Dunbaugh: I have no further questions.

[fol. 751] Examination.

By Mr. Burgess:

Q. Mr. Slawson, do you have any way of recalling how many people you ever refused registration on account of their failure to properly interpret a provision of the constitution?

A. No sir, I didn't keep a record of it, but there were a good many.

Q. Would you say was there any way of knowing whether they were more or fewer of one race than the other, as opposed to the white and colored?

A. Well, let me answer the question this way, if I may: Those that filled out their card, if they didn't fill them out correctly, well I didn't qualify them and put the card aside, of course.

Q. Well, that card at that time did not have any questions relative to the constitution on it, the constitution of—?

A. How is that?

Q. That card did not have any questions relative to the constitution on it, did it?

The Witness: On my cards?

Mr. Burgess: Yes.

A. I don't believe so; I don't remember that, I don't think so.

Q. Well, what I had reference to is failure to pass or register on account of their failure to interpret the constitution, a passage of the constitution?

[fol. 752] A. I know; there was nothing like that on the card, if I remember well.

Q. Did you fail many people on account of their failure to properly interpret the constitution?

A. Well, yes, some of them; few, not many.

Q. And most of your failures came about because they could not fill the cards out?

A. Right, a lot of them didn't have any education, a lot of them couldn't read and a lot of them couldn't interpret what they read. I say a lot; a few of them, of course.

Q. There is just no way of you remembering, without spending many years, without knowing—I mean, you have no record whatsoever of knowing how many people failed to pass on account of the constitution?

A. No, I kept no record of that.

Q. Were your tests very strict?

A. Yes sir, I was just—

Q. Well, now what do you mean by strict?

A. Well, I required them to give me a good idea that they knew what they were doing and understood what they were doing, and about the laws of Louisiana; and the United States, of course, the constitution. It all depended on what I asked them.

Q. Did you pick out any technical phrases, or anything like that?

[fol. 753] A. No sir; no sir, just ordinary language in the book, I didn't get anything to bog them up with, naturally.

Q. Some of those things you might get bogged up with yourself—?

A. That's right.

Q. —So, you wouldn't want to get into those and get bogged up yourself?

A. Correct.

Mr. Burgess: I have no further questions.

Re-examination.

By Mr. Dunbaugh:

Q. When an applicant came into your office to register, did you give him the constitutional test first, or did you give him the application first?

A. I gave him the constitutional test first, made him read out of the book.

Q. Yes. If he failed, would you then give him an application?

A. Well, no, not necessarily.

Q. So then is it true that there would be no record in the office, of persons that had come in and failed the constitution?

A. No, no record of that.

Mr. Dunbaugh: That's all.

Mr. Burgess: That's all.

Witness excused.

[fol. 754]

PLAINTIFF'S EXHIBIT No. 21X

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of THOMAS W. THOMPSON, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the court room of the East Feliciana Parish Courthouse, located in Clinton, Louisiana, commencing at 11:08 o'clock A. M., on the 25th day of August, 1962.

[fol. 754a] Mr. Dunbaugh: Mr. Thompson, the Registrar of Voters of West Feliciana, being present, it has been agreed between the parties and also by the witness that he should give his deposition at this time, although such deposition has not been noticed and no subpoena has been issued.

The witness, THOMAS W. THOMPSON, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. State your name and address, please.

A. Thomas W. Thompson, Route 1, Jackson, Louisiana.

Q. I take it that you live across the line in West Feliciana Parish?

A. Yes, sir.

Q. You are the Registrar of Voters of West Feliciana Parish?

A. Right, sir.
Q. How long have you held that position?
A. Since May 1st—3 years this past May 1st.
Q. In 1958?

Mr. Kron: No.

A. No, '59.

[fol. 755] By Mr. Dunbaugh:

Q. 1959?
A. 1959.
Q. Now, when were you born?
A. October 18, 1904.
Q. Where were you born?
A. In East Feliciana Parish.
Q. How long have you resided in West Feliciana Parish?
A. Oh, since I was about 12 years old.
Q. Prior to the time you became the Registrar of Voters of West Feliciana Parish, were you registered to vote there?
A. Yes, I was.
Q. What sort of work did you do then?
A. Well, I—farming, cow business.
Q. How much education do you have?
A. High school—equivalent to high school.
Q. When you registered to vote in West Feliciana Parish, what did you have to do?
A. Well, the last time I had to read a section of the Constitution—of the Louisiana, I believe. Let's see—it was this book here.
Q. When was that?
A. Just prior to the time that I took the office I registered.
Q. How about prior to that time?
A. No, they didn't give any tests prior to that time.
[fol. 756] Q. When you took office, did anyone explain to you what the duties of the job were?
A. No. I read the law. We have, you know, the registration laws, and I read them. And the police jury told me they wanted me to go right down the road, just follow the law—down the middle of the road.

Q. What procedures did you adopt?

A. Well, I give them the Constitutional test—the cards, and if anybody fails it, well, I wrote the Constitutional section that he failed, and what card it was on, on his card that he failed. If he failed the Constitutional test. Now, some of them, you know, failed to fill out the application form right, and of course, I turned them down on that, and I keep those.

Q. Which do they get first?

A. They get the—well, now, well, I let them read the Preamble first, and then I let them—I dictate a portion of that and they write it. And then I give them the oath, and they sign that—the oath card, you know about that. And then I give them the application and then they fill it out. And I fan out the cards, about 10 of them, and let them pick one and interpret one of the 3 Constitutional sections on that card.

Q. Now, if they fail in either the reading or the writing of the Preamble, or in the application form, do you stop them at the point where they fail?

A. Yes, sir.

[fol. 757] Q. Do you tell them what's wrong?

A. Yes, sir.

Q. You mentioned cards. I will show you Appendix B to the complaint in this case. Please examine this and tell me whether or not these are copies of the cards that you use.

A. (The witness so did.) I don't have this number 4 in mine—yes, sir, that's them.

Q. Where did you get the cards?

A. Oh, they were sent out of the state office.

Q. Do you have more than one set?

A. No, sir.

Q. When an applicant is to be given the test, do you place all of the cards that you have before him?

A. Just fan them out like this in my hand, and let him pick one. All of the ones that I use, I mean, I've got about—I just reach in there and get about 10 of them, and that's the ones that I use.

Q. You don't use all of them—

A. No.

Q. —all of the time?

A. No. I use those 10 all the time. Ten or 12, it may be 12.

Q. Now, the whole series of Appendix B has 24 cards.

A. No, sir, I don't use them.

Q. Did you go through the 24 cards and pick out 10?

A. No, I just—I just reach in there and get about 10 or [fol. 758] 12, and those are the ones that I've been using all the time.

Q. And how did you decide which 10 or 12 to use?

A. Pardon?

Q. How did you decide which 10 or 12 to use—

A. I just picked up the first 10 or 12 that was in there and use them.

Q. And you have consistently used the same ones ever since?

A. The same ones, yes, sir. In fact, I think that's all I've got—just those 10 or 12.

Q. Do you know offhand which numbers they are?

A. No, but I could—I could probably identify them if I may.

Q. Go right ahead.

A. Well, the number 1—number 1, number 2, number 3, number 7, number 8, number 9, number 12, number 14, and number 15. I think that's about right. That's as close to it as I can get.

Q. After an applicant has picked one of these cards, what do you tell him to do?

A. Read one section of the Constitution and give me a reasonable interpretation to it.

Q. May the applicant pick out any one of the 3?

A. Yes, sir. I tell them that they may take their choice.

Q. Is he to read it out loud to you?

A. Yes, sir. Read it out loud to me and then give me a reasonable interpretation to it.

[fol. 759] Q. If he has difficulty on the one that he selects of the 3, do you let him try another one of the 3?

A. No, sir. I tell him to pick out the one—to take one and read it to me, and if he fails that one, I mark it on his card which one he fails.

Q. If he gives an unsatisfactory interpretation, do you let him try to interpret the same provision again?

A. Well, I let him pick a card out when he comes back—not that day. He can come back the next day. For instance,

I remember some of the answers—one of them says—let's see. Every state—the United States shall guarantee to every state in the union a republican form of government. One man came in there, and he said, "Well, that's my right to do what I want to do," you see? And I turned him down. And he says, "That's an Eisenhower form of government—the republican." And I turned him down.

Q. Do you maintain any record of the card selected, or the provisions interpreted by a successful applicant?

A. Would you ask that question again, please?

Q. Do you maintain any record of the card selected, or the provisions interpreted—

A. Oh, yes, I put it—

Q. —by an applicant that passes it?

A. I put it on the card that he failed.

Q. I am talking about the ones who pass?

A. No, no, I don't.

[fol. 760] Q. Now, on the ones that fail, do you put down the card number that he selected—

A. Right.

Q. —or do you put down the section he chose?

A. I put the section—the section number and the Constitutional question that he failed.

Q. Do you put down just the section number, or do you put the card number and the section number?

A. The card number and the section number, I think?

Q. Have you always used this procedure?

A. Yes, sir, right from the beginning.

Q. How soon after you took office did you receive these cards?

A. Oh, I had some printed of my own when I first took office, of the Louisiana Constitution, and also of the United States Constitution. And I guess it may have been a year after that that I received them, as well as I can remember. And then I used them. I tore up my little cards, the ones I had printed, you know, and I used the ones that the state office sent me.

Q. The ones you had printed yourself, did you select the provisions?

A. I just took them at random through the Constitution of Louisiana and the United States, of course.

Q. Did they have three provisions on each card?

A. No, they had two, I believe.

Q. Did you use them the same way that you use these?

[fol. 761] A. Yes, sir.

Q. In making up your own mind as to what would be a satisfactory answer to each of these provisions, did you do anything other than read the provision yourself?

A. I beg your pardon?

Q. Well, with these cards, I take it that you have in your own mind some idea of what the correct interpretation is?

A. I know the correct interpretation to most of them, but any reasonable interpretation—in other words, for instance, if a man takes the one on religion—every person has the right to worship God according to the dictates of his own conscience. Well, if a man comes in there and says, "Well, I can go to the church of my choice," or, "I can worship any religion I want to," I accept it. But if he says—for instance, I've had them come in there and say, "Well, that's freedom of speech." I turn him down.

Q. How about if he says freedom of religion?

A. Pardon?

Q. If he said freedom—

A. I accept that. Any reasonable interpretation.

Q. Getting back to my other question. In determining what would be a reasonable answer to these, did you do anything to find out what the interpretation was other than read the provision yourself?

A. Well, I looked them up.

[fol. 762] Q. Where did you look them up?

A. Well, in the world atlas or some book. I don't remember what it was—some law book.

Q. Did you seek the advice of anybody?

A. Yes.

Q. Who?

A. Well, some of the local attorneys there.

Q. And did they explain to you what these provisions were?

A. Yes.

Q. Have you received any advice or suggestions from anybody else as to how to conduct the test?

A. No, except through the Board of Registration, I mean, they told me to use the Preamble, you know. They all—whenever they sent it to us and the law was passed, they instructed us how to use it.

Q. After the applicant selects the card and reads it aloud, is he allowed to keep the card while he gives his interpretation?

A. Is he allowed to keep the card?

Q. While he interprets—

A. Yes, he is.

Q. —or must he hand it back to you first?

A. No, sir, he is allowed to keep it.

Q. You do not make a record of the answer that he gives?

A. No.

Q. Or whether he passes or fails?

[fol. 763] A. No. If he fails, I told you, I put the constitutional questions that he—that was asked him, but I don't keep the answer to it, you know. But the card that he failed on, I do keep a record of that on his application.

Off the Record Discussion

By Mr. Dunbaugh:

Q. Who was the registrar before you?

A. Mrs. Jim Perkins. She retired due to her age. She's quite old, I think maybe she's 80 now, you know.

Q. Did she talk with you when you first took office?

A. Did she?

Q. Yes.

A. Well, yes, she did. She just—I went in there, you know, and she gave me the key, and we had a little talk, and she had her daughter-in-law as a deputy at that time, I believe, and I talked to her, too.

Q. Did either of them explain to you how the test worked?

A. Well, they was giving the test out of the Constitutional book at that time. They were only making them read it, I believe, and she told me.

Q. Did she have them interpreting it, or just reading it?

A. I think she just had them reading it. Now, I'm not sure about that, I wouldn't know. I wouldn't know.

Q. Well, what did you have to do when you registered the last time?

A. Pardon?

[fol. 764] Q. When you registered the last time, did you just read it, or did you explain it?

A. No, I just read it, and—well, I did explain it, I believe. I'm sure I read it, I don't know whether I explained it or not. She told me to read a section of it and I did that—the Louisiana Constitution.

Q. Why did you change it from what she had been doing?

A. Well, I found out what the duties was of the registrar, and what the law said to do, and that's—that's the reason I changed. I was just trying to follow the law.

Q. Didn't you think that she was following the law?

A. Well, I wouldn't—I wouldn't be in a position to judge that. The only person that I ever saw them register was myself, you know. I wouldn't know what they gave the other applicants.

Q. Did anyone suggest to you that you change the procedure from what she had been doing?

A. The police jury told me they wanted me to follow the law right down the middle of the road, and after all, they—

Q. Did they expand on that, give you any further idea of what they meant by that?

A. No, just told me to follow the law, to treat everybody alike that came in.

Q. No further questions.

Mr. Kron: I have no questions.

Witness excused at 11:28 A. M.

[fol. 765]

PLAINTIFF'S EXHIBIT No. 21Y

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

STATE OF LOUISIANA, et al., Defendants.

Deposition of MRS. ESTELLE WILDER, taken at instance of and on behalf of the Plaintiff; August 24, 1962, in the Rapides Parish Courthouse, Alexandria, Louisiana.

MRS. ESTELLE WILDER, witness called on oral examination by Counsel for plaintiff; first duly sworn, did depose and say, to wit:

[fol. 766] Examination.

By Mr. Dunbaugh:

Q. State your name and address, please?
A. Mrs. Estelle Wilder, Chatham, Louisiana.
Q. And you're the Registrar of Voters of Jackson Parish?
A. Yes.
Q. How long have you been Registrar?
A. Since 1951.
Q. When and where were you born?
A. I was born in 1907 in Jackson Parish.
Q. Have you lived in Jackson Parish all of your life?
A. Yes.
Q. What education do you have?
A. I finished high school and I have about 18 college hours at Louisiana Tech.

Q. When you first took office, did anyone explain to you what you would have to do, what your job was about or what the procedure was?

A. Well, no. Of course, I had the rules and regulations that was put out by the Board of Registration to go by; and any time anything came up, I had an Attorney that I could consult about any legal matters that came up.

Q. What was the registration procedure at the time you first took office?

A. Well, when I first went to work, it had been the procedure in the Parish for the Registrar to fill out everyone's [fol. 767] application, and I continued that procedure until the first of 1953.

Q. And what change did you make in the procedure then?

A. At the beginning of 1953, I began asking each individual to fill out his own application.

Q. Were there any other requirements, other than filling out the application?

A. At that time, no.

Q. Is there any other requirement now?

A. Yes.

Q. When did the procedure change, then, from the applicant having to fill out the application to something more than that?

A. On March 16, 1960, I started using the constitutional test.

Q. Was that the first time that you had used the test?

A. Yes, with the exception of the registration of illiterates. You see, at that time illiterates could register if they could interpret a portion of the constitution when read to them by the Registrar. Other than the illiterates, that was the only one that I used the constitution on until March 16, 1960.

Q. Now, why did you start using the interpretation test, then?

A. Well, I took it on myself to start using it. As you know, I had been under investigation from various angles, and I knew that I was not strictly adhering to the Louisiana law in registering people, and I decided that I would be more strict.

[fol. 768] Mr. Kron: May I ask a question there? Under investigation, you mean by that the subpoenas to the Civil Rights Commission hearing, etc.; those kind of things?

A. Yes, and I had been before the Federal Grand Jury too, you know, before that.

Mr. Kron: Yes.

By Mr. Dunbaugh:

Q. That was in connection with a purge of the voter roles—?

A. Yes.

Q. —in 1956?

A. Yes.

Q. Did anyone suggest to you that you should change that procedure, that you should start using the test?

A. No, they did not.

Q. When you decided to use the test, did you seek the advice of anyone as to how it should be used and what the test consisted of?

A. No, with the exception of—oh, I might have once or twice; I would consult with Mr. Emmons, the Assistant District Attorney, to be sure that I knew the interpretation of it myself before I used it.

Q. Now, has the procedure for registration in Jackson Parish changed any since 1960?

[fol. 769] A. Well, yes, to a certain extent it has. As the Board of Registration—as the new laws have been passed and as the Board of Registration advised me, I would make those changes.

Q. What changes have been made?

A. Well, in regard to the constitution; when I first started using it, I let the applicant read the constitution and interpret it themselves; but that law has been changed, and now the law says the Registrar reads a portion of the Constitution to the applicant.

Q. What is the full procedure for registering to vote in Jackson Parish, what is the first thing that an applicant must do?

The Witness: Well, do you want me to start with identifying them first?

Mr. Kron: Let's assume that I come into the office to apply; Mr. Dunbaugh wants you to tell him just exactly how you would go about the application, from beginning to end.

A. Well, if I did not know you, of course I would request an identification of some kind; I would accept drivers license, or something reasonable that you might have. I do not request two registered voters to identify you.

After you had identified yourself, I would question you as to how long you had lived in the State of Louisiana and in [fol. 770] Jackson Parish, and in the ward and precinct.

If you had said you had lived there the required length of time, I would have you read a portion of the preamble to the Constitution. Then under "remarks" on the application, I would have you write a portion that I would dictate to you.

Q. The reading is aloud?

A. Yes, the reading is aloud. After you had written what I had dictated to you, I would have you turn the application over to the front and start filling it out. I might say here, when I first started using the constitution, that would be the first thing that I would do, but I do not now.

Q. Do you recall when you changed that order?

A. Well, the Board of Registration sent a procedure to go by, and I think that is when I changed.

Q. Did they send a letter of suggested procedures?

A. Yes.

Q. Could you recall whether or not that was the letter dated January 16, 1961?

A. I have it with me, I believe; I'll see. January 16, 1961.

Q. All right. Now, after the applicant fills out the application form what's the next step in your present procedure?

A. Well, of course I check it as to the correctness of it, and then I read him a small and simple portion of the constitution for him to interpret.

Q. And he then interprets it to you orally?

A. Yes.

[fol. 771] Q. Now, do you evaluate each step as it goes along? In other words, if a person doesn't read to your satisfaction, do you stop him at that point, or does he go on

through the whole procedure; like with the preamble in the first instance, if he reads the preamble to you and you're not satisfied with that, would you stop him at that point?

A. In most cases I do, yes.

Q. How about when he writes, the same thing; do you evaluate it at the time that he does it?

A. Yes.

Q. And on the application card, if he doesn't do that to your satisfaction, does he go on to the interpretation, or does he stop?

A. No, I do not use the constitution if his application is unacceptable.

Q. Is any record made of the provision that you read to the applicant, of his interpretation?

The Witness: For each individual?

Mr. Dunbaugh: Yes.

A. No.

Q. Is any record made of the answer he gives?

A. No.

Q. What source do you use for the provisions that you ask about, do you use some cards or a book, or what?

A. I use a book, I have a book that has the constitution in [fol. 772] it, I use that. I have never used cards.

Q. This is the Constitution of Louisiana?

A. No.

Q. The Federal Constitution?

A. The Federal Constitution.

Q. You only use the Federal Constitution?

A. I may have used, a few times, the Louisiana Constitution; very few. I have a copy in my office, but if I used it, it hasn't been over 2 or 3 times; in most cases I've used the Federal Constitution.

Q. Do you ask applicants about all of the provisions in the constitution? I don't mean one applicant for all of the provisions, but do you use every provision in the constitution at one time or another?

A. No.

Q. I take it, then, you've limited the portions of the constitution that you have used?

A. Yes.

Q. Do you know which sections you have used?

A. I jotted down a few. There may have been a few other than this that I have used, but these are the main portions that I use—have been using. In fact, in the last few months I have only used two portions.

Q. Which two are those?

A. One is Amendment 19, which is in regard to woman sufferage.

[fol. 773] Q. What is the other one?

A. It is the second paragraph of Section 7, Article 1, which reads: "Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States."

Q. All right. Now, what other sections have you used recently?

A. "The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided." That is another section that I quite often use.

Q. Do you have the number of that section?

A. That's Article 1, 4th paragraph of Section 3.

Q. Any others?

Mr. Kron: May I suggest, if it's agreeable, that the numbers of the articles will be sufficient, without reading the entire article into the record.

The Witness: All right, sir.

Mr. Kron: Just indicate the numbers, and that will suffice. Is that correct?

Mr. Dunbaugh: Well, I would like her to give some of it, just the gist of it, if she will.

Mr. Kron: Well, all right, then, go ahead as you had planned.

A. Another one is Amendment 20, Section 2; "Congress [fol. 774] shall assemble at least once in every year, and such meetings shall begin at noon on the 3rd day of January, unless they shall, by law, appoint a different date."

Another one is Amendment 10; "The powers not delegated to the United States by the Constitution or prohibited by it to the states, are reserved to the states respectively, or to the people."

Q. Are there any others?

A. "The House of Representatives shall be composed of members chosen every second year by the people of the several states"; Section 2, Article 1. Amendment 17; "The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof for six years." "All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." I believe that's all I have jotted down here.

Q. Now, when did you first select these, the ones that you would ask about?

A. When I decided to start using the constitution.

Q. How did you go about selecting them?

A. Well, I tried to find easy portions. simple portions that I understood.

Q. Did you obtain a copy of the constitution from someone?

A. Yes.

[fol. 775] Q. And did you read through it?

A. Yes.

Q. And you selected these provisions as the ones that you decided to use?

A. Yes.

Q. You said that sometimes you had used the Louisiana Constitution?

A. When I first started using the constitution, I may have used it a few times, but I use the Federal Constitution altogether now.

Q. When an applicant comes in, how do you determine which of those sections you are going to ask him about?

A. Well, I just decide which one at random.

Q. Do you just open the book and pick out one?

A. Yes.

Q. You said that sometimes you use a provision other than those you have mentioned here, that you most frequently use; how do you determine, in the case of a particular applicant, that you're going to use something different than these?

A. Well, when anyone comes in, I just—I just select one; it doesn't matter, just so I think that it's simple. I think they're all simple that I have selected.

Q. After you have read the provisions aloud to the applicant, do you then hand the book to the applicant, to look at while he is explaining it?

[fol. 776] A. No.

Q. Will you read it over again for an applicant?

A. Yes, I have; if they requested it, didn't understand it the first time, I have read it the second time.

Q. And will you define a word for the applicant if he doesn't understand it?

A. No.

Q. What sort of an interpretation are you looking for from the applicant?

A. Just a general interpretation. I do not expect them to go into the details, just give me a general idea that they understand what I have read to them, that's all I request.

Q. Now, for instance, you sometimes ask about the Tenth Amendment; what would you expect an applicant to tell you about that?

A. Well, they could say that the states have certain powers; they could just make any remark that would make me think that they understood what I had read them. That would be sufficient.

Q. Would it be sufficient for them to just say, "States Rights"?

A. Well, I expect them to say that the states have certain rights.

Q. Do you have a deputy?

A. Just part time.

Q. Does she handle applications?

[fol. 777] A. Yes.

Q. And what is your deputy's name?

A. Mrs. Gladys Futrell.

Q. When did she start working for you?

A. I don't recall the date that she started working, it's been some 3 or 4 years ago.

Q. When you started to using interpretation tests, did you explain the procedures to her?

A. Yes.

Q. What did you tell her to look for in the way of answers to these questions?

A. Just that the person give some— show some reasonable knowledge of what she has read to them.

Q. Is that a knowledge about the subject matter outside of what has been read?

A. No, knowledge of what she read to them from the constitution.

Q. If an applicant does not understand, or is not able to satisfy you that he understands a particular provision, will you then read another provision to him?

A. No.

Q. This procedure that you've adopted—that is, to use the Federal Constitution rather than the State Constitution; you use particular sections of the Federal Constitution, rather than other sections of the Federal Constitution, and to have the interpretation given orally; the various aspects [fol. 778] of this procedure, was that your own decision to do it that way, or were you under instructions to do if that way?

The Witness: You mean when I first started using the constitution?

Mr. Dunbaugh: Yes.

A. I tried to use it like the Louisiana law required.

Mr. Kron: I don't think the answer is responsive, but let me say that I think the question has already been answered at the very beginning, when the witness stated that she began it in 1960; brought about by her self-admission that she had not strictly applied the rules, and that as a result of these investigations she began to give the test.

I'm not trying to testify for the witness, I'm just trying to clarify the question in her mind. If you would like to repeat the question—

Q. Yes. Well, you said that you were following the procedures of the Louisiana law?

A. Trying to, yes.

Q. Did someone explain to you what the Louisiana law requires, or did you figure out for yourself what you felt the Louisiana law requires?

[fol. 779] A. I figured it out for myself, it is in the registration laws.

Q. And you received no instructions or suggestions from anybody as to how you should apply the interpretation?

A. No, I did not.

Q. And with respect to determining whether or not a particular applicant's interpretation is satisfactory, are you the sole judge of that?

A. Yes, I am.

Q. Do your procedures ever change; for instance, when there is a rush in registration, or something like that?

A. Well, yes, occasionally it does.

Q. In what way is it different?

A. Well, it might—I have had it to happen in such a way that I would give the applicant his application first and have him fill that out; I've had the telephone to ring, which required my attention right then. I have done that a few times, but not often. My usual procedure is as I described to you a while ago.

Q. Did you say that at one time you had the applicant read the provision himself and then interpret it?

A. Yes.

Q. And when did that change?

A. I answered that question a while ago. It was when we got the suggested procedures from the Board of Registration.

Mr. Dunbaugh: Mr. Kron, any questions?

[fol. 780] Examination.

By Mr. Kron:

Q. While we're on this subject of the change of procedure, I understand your testimony to mean that if there are any changes of procedure, other than your customary method; they are brought about by circumstances of the moment, and these changes are not made or used as a design or a plan to make it more difficult for any particular person to register; is that true?

A. That's true.

Q. Now, going back to the selection at random of the particular section of the Federal Constitution or its amendments that you give to the applicant; is it or is it not true that those too are given literally at random, and are not selected by you with any design or plan to make it more difficult or more easy for any particular applicant at that time; is that correct?

A. That's correct.

Q. Have you or have you not ever used a more difficult interpretation test in any individual case, either to permit the applicant to register or to deprive him of the opportunity to register?

A. I have not.

Q. Have you, in line with your own personally established policy, used this test in your own fair judgment and indiscriminately as to all persons applying?

[fol. 781] A. I have.

Q. Now, just one or two more questions as to the statistics in your office. Mrs. Wilder, do you have permanent registration?

A. Yes.

Q. How many persons, approximately, do you have in total registration at this time?

A. It runs over 6,000. I don't have that exact figure at my fingertips right now.

Q. Approximately how many of those are negroes?

A. Four hundred seventy-five approximately. It might run a few more.

Q. Now, then, why in your opinion are there not more negroes on your rolls at this time? Let me withdraw that question and preface it by asking you this question. Roughly, since, say, the 1st of January of this year (1962), how many negroes have been rejected?

A. Very few, because I have had very few to come into the office this year.

Q. Would they, proportionally and percentagewise, be equal to the number of white applicants who have been rejected?

A. I'm sure they would.

Q. I go back now to the question: Why, then, in your opinion, are there not more negroes registered in your parish at this time?

Mr. Dunbaugh: Mr. Kron, I'm not sure that the opinion of the witness is—

[fol. 782] Q. To change the phraseology of the question, then: Why are there not more negroes registered in your parish at this time?

A. Well, I think one reason is that they are not as educated as the white people, to begin with; then, for the last few months there have not been as many come in to register.

Q. Do you have a reject file in your office?

A. Yes, I do.

Q. Are there more negro applicants rejected for failure to properly fill out the LR-1, or is the principal cause for rejection, failure of the constitutional interpretation test?

A. Well, the principal reason is because of failure to fill out the LR-1 card.

Q. Would you know offhand, again, how many, approximately, negro applicants have been rejected because of their failure to pass the constitutional interpretation test?

A. No sir, I do not know.

Q. But it would be less than those who failed to fill out the LR-1 properly?

A. Yes, it would.

Mr. Kron: That's all.

Re-examination.

By Mr. Dunbaugh:

Q. Prior to the purge, say during the time of the summer of 1956, how many negroes were registered in Jackson Parish?

A. Approximately 1,100.

[fol. 783] Q. Are there some provisions that you've never asked an applicant to interpret, some provisions of the constitution that you've never asked?

The Witness: That I have never—?

Mr. Dunbaugh: Never asked an applicant to interpret.

A. Oh, yes.

Q. Why have you not used these?

A. I've already stated that I tried to select simple portions that I felt would be easy for the people to understand, and also that I was sure that I knew the meaning of.

Q. Are there some provisions that you do not know the meaning of?

A. Yes.

Q. Do you expect an applicant to be able to understand the provision as well as you understand it?

A. Well, not necessarily so, because I have access to it all of the time and I go over and over and over it; and just reading it to them one time, I feel like I might know more about it than the person.

Q. Do you expect that he understand it as well as the average man understands it?

A. Would you repeat the question, please.

Q. Do you expect that an applicant understand the provision as well as the average person in your experience could understand it?

A. Yes.

[fol. 784] Q. Do you have in the back of your mind key phrases or key ideas about these sections that they should be able to hit upon in their answers?

A. No, I don't think so. As I stated, I do not expect detailed remarks about it.

Q. Now, you have said that you limit the interpretation tests pretty much to these sections that you recited to us earlier—?

A. Yes, sir.

Q. —have you ever published a list of these sections?

A. No.

Mr. Dunbaugh: That's all.

Re-examination.

By Mr. Kron:

Q. Does the law require you to publish a list of those sections?

A. No.

Mr. Kron: No further questions.

Witness excused.

[fol. 785]

PLAINTIFF'S EXHIBIT No. 22A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of HUGH E. CUTRER, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the offices of Janet L. Parker & Associates, 1211 Louisiana National Bank Building, Baton Rouge, Louisiana, on the 9th day of March, 1962, commencing at 11:10 A.M.

APPEARANCES:

Frank M. Dunbaugh, III, Esq. and John Doar, Esq., Civil Rights Division, U. S. Department of Justice, Washington, D. C., for Plaintiff.

Harry J. Kron, Jr., Esq., Louisiana State Attorney General's Office, Louisiana State Capitol, Baton Rouge, Louisiana, for Defendant.

[fol. 786] The witness, HUGH E. CUTRER, having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. State your name, please?
A. Hugh E. Cutrer, Jr.

Q. And your address, Mr. Cutrer?

A. 531 North Border Drive, Bogalusa.

Q. Do you hold an official position with the State?

A. I do.

Q. What position is that?

A. I'm director of the State Board of Registration.

Q. Where is your office located?

A. It's located at 1 B Pentagon Court Building, Baton Rouge.

Q. How long have you held that office?

A. Since August of 1960.

Q. Who was your predecessor?

A. Mr. Edgar Coco.

Q. Do you know who was director before him?

A. I believe Mr. Douglas Fowler was, I'm not sure of that, now. It could have been one in between there.

Q. Do you know who was director before that?

A. No.

Q. How and when were you—we know when you were appointed, how were you appointed—by whom were you appointed?

A. I was appointed by the governor who is the chairman of the Board of Registration.

[fol. 787] Q. You serve at his pleasure?

A. I serve at the board's pleasure.

Q. What did you do before you were director of the State Board of Registration?

A. I am in private business—insurance and real estate.

Q. In Bogalusa?

A. Yes.

Q. Have you ever held an official position before?

A. Yes.

Q. What position was that?

A. I am commissioner of Streets and Parks in the city of Bogalusa—elected official.

Q. No other state office?

A. No.

Q. How large a staff do you have?

A. We have two full time secretaries—part time college people that work during the summer months.

Q. What are the names of your secretaries?

A. Mrs. Beatrice R. Harris and Mrs. Mary Cooper.

Q. You have no professional assistants?

A. No.

Q. Could you describe the nature of your office, your duties and functions?

A. Me—my office or my job itself?

Q. Your job, yes, sir.

A. My job. I mostly act as a liaison officer to the 64 parishes where we have parish registrars to see to their [fol. 788] needs, help them in problems they might have, set up different types of registration whether it be permanent or periodic which are the two types we have.

Q. Do you and your office have any other duties or activities?

A. No.

Q. Now, in dealing with the individual registrars, do they report to you—do they submit written reports?

A. Monthly reports, yes.

Q. What do those reports consist of?

A. They consist of the number of registrants they have in that parish broken down by white, colored and illiterates.

(Off-the-record discussion.)

By Mr. Dunbaugh:

Q. Are those the 4 form reports that contain a list of new registrants for the month—transfers for the months?

A. Yes.

Q. Persons scratched from the rolls for the month?

A. Right.

Q. And statistical totals for the month?

A. Correct.

Q. And the first three that I mentioned, I think, give the name and race of each individual?

A. That's right.

Q. How far back do these reports go?

[fol. 789] A. I couldn't say any further back than August, 1960. I know they've been coming in since then. Now, how far back they go, I couldn't answer that question.

Q. Do you ever go out to the parishes and visit with the registrars?

A. Yes, sir.

Q. And does your office have any record of the trips that you make?

A. Yes, sir.

Q. What sort of record would that be?

A. Well, it's a record as far as my expenses go to show which parish I've been to. I make no record for—of what transpires between the registrar and myself. There's a record of my travel.

Q. A travel voucher or something like that?

A. I beg your pardon.

Q. What is it—a travel voucher or something like that?

A. Yes, it's a travel voucher as to where I've been.

Q. Would that be maintained in your office or do you submit that to some other office?

A. Well, it's maintained in our office, and we also submit it to the division of administration.

Q. Have you ever had occasion while visiting registrars to observe what procedures they use?

A. Yes, sir, that's the reason I visit them.

Q. Do you know which registrars use the tests—

A. Approximately, I know most of them—

[fol. 790] Q. —the interpretation tests I'm speaking of?

A. —yes.

Q. Which ones do you recall using them?

A. Which ones do I recall using them?

Q. Yes.

A. Well, Mr. Mitchell uses it in Shreveport. I don't like to go and try to name them all, I mean, I'd say—I'd say about 30 percent of them use the test actually.

Q. Do you have any record in your office which would show which ones use it and which ones don't?

A. No.

Q. Could you name a few that you do recall?

A. Could I name a few?

Q. Yes.

A. Well, Mrs. Cutrer in Calcasieu Parish uses it, Lillieon —L-i-l-l-i-e-o-n Cutrer.

Q. It would suffice just to give the parish, if you recall which ones use it.

A. All right. Well, I gave you Caddo, Calcasieu, Claiborne, Livingston, Natchitoches, Morehouse, Webster, Tangipahoa, St. Tammany, Washington, Rapides, Lincoln—did I give you Claiborne?

Q. Yes.

A. Claiborne.

Q. Do you figure there are any others, sir, than those that use it?

A. To my knowledge, no, sir, I don't know of any others.

[fol. 791] Q. How are the registrars appointed?

A. They are appointed by the police jurors of the parish.

Mr. Kron: I object to that. The statute provides that.

By Mr. Dunbaugh:

Q. Well, do you have records on each registrar—a personnel file of some sort?

A. A personnel file?

Q. Yes.

A. No, sir.

Q. Do you have such things as the names and addresses and pay records?

A. We do that, yes, sir. We don't have the pay records. We have nothing to do with their pay.

Mr. Kron: I object to that. The salaries of the registrars are also provided by statute.

By Mr. Dunbaugh:

Q. But you do have a record that would show the names and addresses of each one?

A. Yes, sir.

Q. Would it show anything else about them—would it show their education—do they have any personnel data form that they turn in?

A. No.

Q. Do they take any exams or are there any prerequisites [fol. 792] to being a registrar?

A. To my knowledge there are none.

Q. You have no record that would show their educational level?

A. No, sir.

Q. Do you send out materials to new registrars when they are appointed?

A. Yes, sir.

Q. What sort of materials do you send them?

A. Send them routine materials that all registrars are provided with.

Q. What are those?

A. Different types of forms that they use in their office to register people.

Q. Do you send them a copy of some handbook or other?

A. No.

Q. How about the statute—registration law?

A. They are provided with that by the Secretary of State's office.

Q. You don't send that to any registrar?

A. No.

Q. You say you send out forms, I take it you mean the standard application forms?

A. Yes. The cards that you fill out that they register the people with.

Q. Do you provide those for each parish?

A. In some cases we provide types of forms—under the [fol. 793] permanent registration we did that. The state legislature provides funds for us to furnish these people with these different type forms.

Q. But I take it the normal application form is not provided by you to all parishes?

A. No, sir. The registrar himself is responsible for obtaining those.

Q. When a new registrar is appointed do you send him a sample copy of each different type of form that's generally used?

A. No, sir. They have this already in their office so we don't send them out.

Q. Well, you said—

A. The old registrar would have had them and passed them on. If he needs forms—he orders them if he needs them.

Q. Well, you said you sent them some forms—I'm trying to get now exactly what forms—

A. Well, I had reference to—actually when a parish changes into what we call a permanent registration that's the type of forms we provide them with.

Q. When a new registrar takes office you don't send him any materials such as a copy of the board's regulations—

A. No.

Q. —or resolutions of the board? How are you advised—how is the board advised that the police jury has appointed [fol. 794] someone?

A. How is the board advised?

Q. Is there some certificate of appointment by the police jury?

A. Yes. The Governor, I imagine, issues—I've never seen one. I imagine there's a certificate issued by the Governor's office appointing him a registrar. I've never seen one, that type of certificate, but I mean, I would imagine it would have to come through him.

Q. Then I take the registrar takes an oath of office?

A. Yes, sir.

Q. Are those records maintained in your files?

A. No, sir.

Q. They're not?

A. Not in my files, no, sir.

(Off-the-record discussion.)

By Mr. Dunbaugh:

Q. Now, do you get inquiries from time to time from the registrars concerning procedures?

A. Yes, sir.

Q. Where would those be kept?

A. Where would they be kept?

Q. Yes, how do those inquiries come in—in what form?

A. By mail or by telephone. When it's written—when it's a letter we naturally keep copies of it in our file. If it's a telephone call seeking information, well, we simply answer [fol. 795] it, we do not make a record—permanent record of that.

Q. Is there a record kept of incoming and outgoing phone calls—

A. No.

Q. —by your secretary? How are these correspondence files maintained—by parish or chronologically or what?

A. By parish.

Q. What other materials would be in the file for a particular parish then?

A. Anything pertaining to information sent out or advice to that particular registrar.

Q. Do the registrars sometimes come into your office—

A. Yes, sir.

Q. —with inquiries?

A. Yes, sir.

Q. Does your secretary maintain an appointment book that would show their visits, then?

A. No.

Q. What instructions do you give to registrars concerning the use of the interpretation tests?

A. We haven't given them any instructions concerning the use of that particular test.

Q. Well, you said that they made inquiries from time to time. Did they ever inquire about it?

A. Yes, they inquired about it.

[fol. 796] Q. Would your answer, then, be reflected in the letter that you wrote back to them?

A. Yes.

Q. There's a letter introduced into the Manning trial dated January 16, 1961, in which you set forth suggested procedures for registrars.

A. Yes, sir.

Q. Do you have a copy of that there?

A. Yes.

Q. Now, there you set forth suggested procedures for registrars on just about all aspects?

A. That's right.

Q. I take it that this represents a policy statement by the Board of Registration?

A. That's true.

Q. Did the board hold a meeting or something along those lines and advise you to send this out?

A. No, sir. The board didn't hold a meeting. The board members—we met with registrars—the older registrars throughout the state to compile this information. This information was taken from these registrars in trying to determine an easy, uniform procedure which all registrars would follow.

Q. What registrars met with you on this occasion?

A. Mr. Charles Mitchell, Caddo Parish, Mr. Jody Smith of East Baton Rouge Parish. I believe that was the only two.

[fol. 797] Q. Well, was anyone else present?

A. Oh, yes. Members of the Sovereignty Commission were there, the District Attorney from Baton Rouge was there, Mr. Sargent Pitcher.

Q. What members of the Sovereignty Commission were there?

A. Mr. Frank Voelger, chairman of the Sovereignty Commission was there, Mr. John Deer, the Executive Secretary, was there. I don't know if I can remember the rest of them, there was several others—Mr. Charles Page. I don't have that information with me. I had it in my files with the minutes of the meeting, but I don't have it here now to tell you exactly who was there.

Q. Minutes were taken of the meeting and you have that in your file?

A. Yes, sir. Not here—I have it in my office file.

Q. Were any other drafts of this letter put together first—suggested? I take it this was worked over somewhat with them.

A. Yes. At the meeting it was worked over in rough form and we compiled it into this letter you referred to dated January 16.

Q. Do you have the other drafts in your files?

A. Yes, sir.

Q. Was this all accomplished with one meeting or was there more than one meeting?

A. There were two meetings.

Q. Do you have minutes from both meetings?

[fol. 798] A. Yes, sir.

Q. What was the—was this just an informal gathering or was this some committee that had been appointed or something to look into it?

A. I would say it was more or less informal of interested people to actually suggest steps and which these registrars would follow. As pointed out in my letter that we submitted that for suggestions only—for the registrars to adopt some sort of uniform procedure to determine whether a person is qualified to register or not.

Q. I take it that the group together didn't really turn out the letter—I assume that they advised you to?

A. The group together composed the steps. My office wrote the letter under the instruction of that committee.

Q. Are those instructions contained in the report that came from the meeting or something like that, or—

A. Yes.

Q. Is that in addition to the minutes, I mean, is the report that that committee drafted?

A. I was authorized by the committee to write this letter subject to these procedures that we thought would be best suitable to each registrar of each parish.

Q. You mentioned a Mrs. Cooper—is she the M.M.C. out here that typed it?

A. Yes.

Q. Was this sent to all registrars?

[fol. 799] A. Yes, sir.

Q. When were these meetings held?

A. When were the meetings held?

Q. Yes, sir.

A. I'd have to get my minutes to actually give you the exact date. They were held within a month of one another—I'd say either in December—probably in December—

Q. Yes.

A. —and maybe January.

Mr. Kron: Shortly prior to the issuance of this letter.

By Mr. Dunbaugh:

Q. And where were they held?

A. The first meeting was held in the Board of Registration's office—my office, and the second one was held in the State Capitol building.

Q. In whose office there?

A. In the committee room downstairs—no one's office.

Q. Have there been any other letters of this sort that you sent out to all registrars requesting a policy or suggestions?

A. Not a procedure to follow, no. We send out correspondence all the time answering questions about different types of registration problems the registrar might have.

Q. I meant something of a general nature such as this?

A. No, sir.

[fol. 800] Q. Have meetings concerning a suggested procedure other than the two that led up to this letter been held?

A. Have meetings been held?

Q. Concerning suggested procedures?

A. Yes, we had a meeting here last week I believe it was.

Q. Are there minutes of that meeting?

A. I assume there are. I didn't take any myself. I don't know.

Q. Well, would your office have them if there are any?

A. No, we don't have them.

Q. Well, who would have them?

A. I don't know. I was just invited to attend the meeting.

Q. Who was at the meeting?

A. (The witness did not reply.)

(Off-the-record discussion.)

By Mr. Dunbaugh:

Q. Does the Board of Registrars ever meet?

A. They are meeting now in a convention in New Orleans.

Q. I meant as a board itself?

A. You mean the Board of Registration?

Q. Board of Registration, I'm sorry.

A. I have never met with all of them together at one time, no, sir.

Q. Are there any minutes of their meetings?

A. There hasn't ever been a meeting that I know of with [fol. 801] all of them together.

Q. Are there meetings where two of them are present?

A. I don't believe there has been a meeting where there have been two present.

Q. The Board of Registration is authorized by law to promulgate rules and regulations. Have they done so, do you know?

A. Have they done so?

Q. Yes.

A. I think we have.

Q. Would those be on file in your office in written form?

A. Yes.

Q. How about resolutions of the board?

A. There have been no resolutions of the board since I've been director of it—that I'm aware of.

Q. Now, late last year, I understand, that the Board of Registration advised the registrars throughout the state to enforce the tests—the interpretation tests. How was that done?

A. I have no knowledge of that. I wasn't present.

Q. Were letters sent out to them from the board?

A. Not from my office there wasn't.

Q. Have any of the registrars told you that they received letters from some other office—

A. No.

Q. —along those lines?

A. No, they haven't.

[fol. 802] Q. Do you know if the board adopted a resolution to that effect?

A. To my own knowledge I couldn't say that I know that they did adopt a resolution to that effect.

Q. Have you ever seen a written resolution to that effect?

A. I haven't seen a written—what type resolution do you refer to, now? By whom was the resolution signed?

Q. That's what I'm trying to get at. A resolution adopted by the board advising the registrars to strictly enforce the interpretation tests. This was reported in the—

Mr. Kron: It's contained in paragraph 24. It's in a resolution.

By Mr. Dunbaugh:

Q. Do you have the resolution with you, or a copy?

A. That's what I was looking for. I don't think I do have a copy of it. I know the resolution you have reference to, or at least I think I know the one you have reference to. I would like to be able to find it to see if that's what you are talking about. Yes, I have a copy of it right here.

By Mr. Doar:

Q. Could we look at it, please?

A. Yes, sir.

(Mr. Dunbaugh and Mr. Doar looked at the resolution.)

Mr. Doar: It refers to attached standard forms. Have you got those, too?

[fol. 803] Mr. Kron: Yes. This is all part of the document. All of this.

By Mr. Dunbaugh:

Q. Mr. Cutrer, are you familiar with the adoption of this resolution—

A. No, I'm not.

Q. —and the instructions to registrars that's attached thereto?

A. I'm familiar with having read it just like you are, I mean, as far as the adoption of it itself, I was not in the meeting, I do not know anything about it other than it was adopted at the meeting. A copy was sent to me.

Q. You did not attend any meetings at which this was discussed and planned?

A. No.

Q. Do you know who did attend such a meeting?

A. No, I don't.

Q. Where did you obtain a copy?

A. It was sent to me through the mail.

Q. By whom?

A. I couldn't say exactly where it did come from—the Governor's office or—

Q. There was no letter attached?

A. Only what you have there.

(Off-the-record discussion.)

By Mr. Dunbaugh:

[fol. 804] Q. I'd like to get some idea of what records are maintained in your office. You turn out a monthly statistical report?

A. Yes, sir.

Q. To whom is that report made?

A. To whom is it made?

Q. Yes.

A. Well, we send copies to a lot of people. Send it to all the legislators of the state, send it to senators and representatives—United States senators and representatives. We mail it to some newspapers.

Q. It's not in the form of a report being made by you to some other agency or official of the state?

A. No, it's something we make for our own use and benefit to send to our people.

Q. How do you decide who's on the mailing list?

A. Well, whoever asks to be on it. We have people that—different organizations write and ask for copies of it. We have no way of putting someone on or taking someone off.

Mr. Kron: The Attorney General's office asked for some copies to defend these lawsuits with.

A. We'd even have to send you copies, if you like.

By Mr. Dunbaugh:

Q. Do you make any reports to other agencies, to the Governor, or to the Secretary of State?

A. The Governor's office is sent copies of these reports, [fol. 805] yes.

Q. Any other reports?

A. No.

Q. Do you maintain a file on the registration statute such as would reflect its legislative history?

A. I'm not sure I understand exactly what you mean.

Q. Well, would you have a file of minutes of meetings held to discuss proposed legislation?

A. Yes, if we had a meeting in my office we'd have a record of that in our files, yes, sir.

Q. Has any research been done by your office in old legislation on registration?

A. No.

Q. Would you say that all the records in your office, then, relate to the registration of voters in Louisiana?

A. Yes.

Q. Are they all official records?
A. Yes, I'd say they were official.

Mr. Kron: All of those records are public records.

A. Public records, yes, sir.

By Mr. Dunbaugh:

Q. Have the individual registrars ever reported to you concerning the visits made to them by people from other agencies such as the Sovereignty Commission?

A. Yes. They haven't actually reported to me about it. We have discussed it. When I'd visit them they would [fol. 806] tell me that a representative of the Sovereignty Commission had been in and talked with them.

Q. Other than Mr. Niklaus, did they mention anyone else?

A. Well, the only other one I can think of at the moment is Mr. Charles Page. He visited some of our registrars.

Q. Now, which registrars have been so visited, do you recall?

A. Who Mr. Page visited?

Q. Well, any—been visited by either Mr. Page or Mr. Niklaus?

A. Well, I know of only a few to my own knowledge that was personally visited and discussed it with me. I imagine they would call on most all of them, but there's only a few that I know of. Mrs. Cutrer in Caddo Parish is one, Mr. Mitchell is one, Mr. Smith is—Jody Smith is one.

Q. How about the joint legislative committee on segregation, have they visited the registrars?

A. I don't know.

Q. Are you familiar with what records were in your office prior to the time you took office or at the time you took office?

A. Well, am I—am I familiar with the records that—prior—

Q. With what records were there at the time you took [fol. 807] office?

A. I haven't gone through all of them. I'm familiar with some that I had to go back and refer to about different cases, particularly opinions that we got from the Attorney

General's office concerning registration laws. I refer to them from time to time again, which we keep on file.

Q. Are the records that are kept there kept permanently?

A. Yes.

Q. You don't destroy them at any time periodically?

A. While I've been in office we haven't. Now, I can't anwer for past directors.

Q. Yes, sir.

By Mr. Doar:

Q. Mr. Cutrer, with respect to this resolution that your counsel handed to me, do you have any personal knowledge of how this was prepared?

A. I do not.

Q. Do you have any knowledge at all as to how it was prepared?

A. No.

Q. Or as to who prepared it?

A. I don't know who prepared it. I have no knowledge at all about it. I was not present when it was prepared. The only thing I was sent a copy of it through the mail.

Q. And at the time that you were sent a copy through [fol. 808] the mail you were the director and ex-officio secretary of the Board of Registration?

A. That's right.

Q. Now, have you issued or promulgated any other rules or regulations as to the method of the administration of the Board of Registration laws which you have circulated to the registrars throughout the State?

A. The only thing that I've printed is—sent to the registrars is the letter that we sent out on January 16. That's the only one I've printed.

Q. Did your predecessors in office send out any rules and—

A. I can't answer that. I don't know.

Q. —rules and regulations? Now, did you at any time send out any forms to be used in connection with the constitutional interpretation tests?

A. No, sir.

Q. Did you ever yourself prepare any forms to be used in connection with the constitutional interpretation tests?

A. No, sir.

Q. Do you receive any information in writing—any periodic information in writing from the various registrars throughout the State as to which ones are using the constitutional interpretation tests?

[fol. 809] A. No.

Q. Do you keep any record of—do you keep any periodic record as to which registrars are using the constitutional interpretation tests?

A. No.

Q. Do you keep any record as to how those registrars who use the constitutional interpretation tests are using them?

A. I keep no records, no. I'm familiar with how some of them use it.

Q. Could you just briefly indicate the various ways in which registrars that you are familiar with use the constitutional interpretation tests?

A. Yes. They have the constitution book that they get from the Secretary of State's office that they refer to about different questions. They use—some of them use books from the Superintendent of Education's office equivalent to 9th grade or 8th grade civics in school. And some of them even have ordered from other concerns simplified questions about the constitution—about the constitution of the State and as well as the United States Constitution.

Q. Could you be a little more specific about that—let's take the ones that—you say some of them use the regular constitution purchased from the—some agency of the state?

[fol. 810] A. Yes.

Q. And do you know how the registrars that use that pamphlet administer the tests?

A. They look up a question pertaining to the state constitution or the federal constitution and ask them a question from the book, and they interpret it themselves.

Q. Well, do they ask a question from the book, or do they show them a section of the constitution and ask them to interpret it?

A. They ask them a question.

Mr. Kron: I object to this on the ground that insofar as Mr. Cutrer is concerned it's purely hearsay.

Mr. Doar: Well, he hasn't said that, Mr. Kron.

Mr. Kron: His knowledge comes only as a result of his conferences with the registrars, and there has been no foundation laid, up to this point, at any rate, that he has been present when any of these tests were made. Therefore, he doesn't know—as presently indicated, doesn't know of his own knowledge how these tests are made or [fol. 811] given.

By Mr. Doar:

Q. Well, you say that these—they don't ask the applicant to interpret a section of the constitution, they just ask him a question about the section?

A. Yes, they ask them questions about the constitution, and I would presume in some cases—as to my own knowledge, I do not personally know—that they may ask them to read a portion of the constitution and interpret it. We're endeavoring to bring about some simple tests that we can get all the registrars to adopt and use.

Q. But you haven't been able to accomplish that purpose as yet?

A. No, sir.

Q. And I'm asking you what procedures you have found to presently exist in Louisiana with respect to the administering of these tests. And you've indicated that one procedure you've found was that registrars would ask applicants questions about certain sections of the constitution, is that correct?

A. That's correct.

Q. And do you know where that procedure exists specifically?

A. Only by what the registrar tells me. I've discussed it with them in trying to work out some simplified procedure [fol. 812] for all of them to follow. Mr. Mitchell asks them the questions from Caddo Parish.

(Off the record discussion.)

By Mr. Kron:

Q. Were you ever present when this interpretation test was given in any of the registrars' offices in the state?

A. No, sir.

Mr. Kron: I then submit that the testimony is objectionable on the basis it's pure hearsay.

By Mr. Doar:

Q. The question is where was this procedure used?

A. Mr. Mitchell's office in Caddo Parish.

Q. Now, another procedure that you indicated was used was the use of a simplified constitution in certain parishes. Now, where is that used?

A. In Lincoln Parish.

Q. And in that particular parish is the applicant required to write and interpret one of those sections or is this an oral test?

A. He is required to write.

Q. Write a section—

A. Read and write.

Q. And interpret—

A. Read it and then write it.

[fol. 813] Q. And interpret it?

A. And interpret it.

Q. Well, going back to Mr. Mitchell's parish, is that a written test or an oral test?

A. I don't know about that.

Q. Now, what other methods of administering the constitutional interpretation tests have you come across?

A. That's all.

Q. Just those two methods?

A. Yes.

Q. Are you familiar with the card system—the 24 cards?

A. Yes, I've seen them.

Q. Do you know whether they are used in any parish?

A. No, I don't.

Q. Do you know whether or not the—do you know specifically how the registrars in the other parishes that you enumerated as having been parishes where the registrars utilize the constitutional interpretation tests—do you know what methods they use?

A. None other than what I've just explained to you.

Q. One was oral questions about the constitution and the other was a simplified constitution where the applicant is required to read it and write it and interpret it?

[fol. 814] A. That's correct.

Q. Did you indicate, to your knowledge, this interpretation was oral or written?

A. Lincoln Parish is the only parish I know of where it is written that I can—now, that's still—I have not seen the tests given. I have only talked to the registrar about how those tests are given in his office.

Q. Do you know what the practice is, for example, in Claiborne Parish?

A. No, I don't.

Q. Do you know that the test is used there, though?

A. Yes.

Q. Do you know what the practice is in East Feliciana Parish?

A. No.

Q. Do you know that the test is used there?

A. I can't say that I do know that it's used in East Feliciana.

Q. Do you know—I think you did testify that the tests are used in Washington Parish?

A. That's right.

Q. And do you know how the registrar used the test there?

A. No, I don't.

Q. Washington Parish is your home parish, is it not?

[fol. 815] A. Yes, it is.

Q. Now, has this resolution of the State Board of Registration of the State of Louisiana, which you have handed me this morning been revoked or amended or altered by the State Board?

A. To my knowledge it hasn't been. I know of no revoking or amending of it, personally.

Mr. Doar: Can we mark this as an exhibit, or can we just obtain a certified copy of it and—

Mr. Kron: Well—

Mr. Doar: —then have it marked? I don't know—

Mr. Kron: You can get another copy. Why don't we just let him use this one—use it as the exhibit?

Mr. Doar: Would you mark that as Exhibit-1? That should probably be stapled together.

By Mr. Doar:

Q. This exhibit-1 which you've handed me—consisting of a resolution of two pages, dated the 10th of October, together with certain attached instructions and forms, consisting of two pages of instructions and two pages of forms, [fol. 816] is the resolution to which we have been referring during the course of this deposition. Is that a fair statement?

A. Is that the resolution?

Q. Yes, that's the resolution of which we've been talking during—

A. Yes.

Q. I'm just doing this for the record—

A. Yes, yes, that's the resolution.

Q. Thank you, Mr. Cutrer, very much for coming up here this morning.

A. Certainly.

Witness excused at 12:08 P. M.

[fol. 817]

PLAINTIFF'S EXHIBIT No. 22B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of Douglas Fowler, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the offices of Janet L. Parker & Associates, 1211 Louisiana National Bank Building, Baton Rouge, Louisiana, on the 10th day of March, 1962, commencing at 10:05 A.M.

* * * * * * *

[fol. 818] The witness, DOUGLAS FOWLER, after having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. State your name, please.
A. Douglas Fowler.
Q. What's your address, Mr. Fowler?
A. Capitol Station, Baton Rouge, is my business address, and my home address is Post Office Box 401, Coushatta, Louisiana.
Q. Do you reside in Coushatta, or here?
A. Yes, sir, I reside in Coushatta and then I have an apartment here in Baton Rouge that I live in from Monday until Friday, and I return home over the weekend.
Q. Do you hold an official position with the state?
A. Yes, sir.
Q. What position is that?

A. I am the State Custodian of voting machines.

Q. Is that an elective office or an appointive office?

A. Yes, sir, it is an elective office.

Q. How long have you been the State Custodian of voting machines?

A. I have been State Custodian of voting machines since May 1 of 1959. My first service as State Custodian of voting machines was by an appointive board—a board made the appointment and then I was elected to serve the next [fol. 819] four year term and took my oath of office in May of 1960.

Q. Did you hold any state offices prior to that time?

A. Yes, sir.

Q. What offices were they?

A. I was the Director of the State Board of Registration.

Q. What was your term of office there?

A. I served as Director of the State Board of Registration from some time in the early part of May of 1956 until May the 1st of 1959.

Q. Did you hold any office before that—what did you do before you were Director—let's put it that way.

A. Well, prior to that time, I was Clerk of the Tenth Judicial District Court for twelve years, that is, 1940 to 1952, and then I was Mayor of the town of Coushatta from '52 through '56.

Q. Is that court in Coushatta?

A. Yes, sir, that is a District Court in Coushatta.

Q. Now, as Custodian of voting machines, do you have any records of registration in Louisiana—do you maintain any record of the number of registered voters?

A. I get a report each month from the Board of Registration.

Q. You don't have any independent source of information on that then?

A. No, sir.

Q. It comes from the State Board and it would be the [fol. 820] same records that the State Board has?

A. Yes.

Q. Do you know how long the—there has been a Director—how long that office has been in existence, Director of State Board of Registration?

A. No, sir, I don't. As well as I remember in the early 50's.

Q. Who was Director before you?

A. Mr. David Reynaud of Lutcher, was the Director ahead of me.

Q. He's from Lutcher, did you say?

A. Yes, sir.

Q. And do you know who was Director before him?

A. Mr. Bobby Dugas from Donaldsonville.

Q. And how about after you—who was Director then?

A. Mr. Edgar Coco.

Q. Whereabouts is he from?

A. He is from Marksville.

Q. Was there anybody else after him and prior to the present Director?

A. No, sir. After Mr. Coco, then we have Mr. Hugh Cutrer.

Q. When you were—when you were Director of the State Board, how large a staff did you have at that time?

A. I had myself and a secretary, Mrs. Harris, for quite some time—I don't remember exactly how many months, and then after that I employed Mrs. Kuykendall as clerk—[fol. 821] typist clerk there in the office.

Q. But you had no professional assistance?

A. No, sir.

Q. Do you know offhand whether Mr. Coco ever had any?

A. No, sir, I don't.

Q. Could you describe generally what—what the duties are of the Director of State Board of Registration—what they were when you were Director?

A. I—the duties of the State Board of Re—the Director of the State Board of Registration is to make periodic visits to the various Registrars in the state to work with the Registrar, as well as the governing body of the parish and to carry out the directives of the Board of Registration, I would say. You are familiar with the way the way the set-up is about the Board?

Q. Well, yes. The Board is composed of the Governor, and the Lieutenant Governor, and Speaker of the House.

A. Yes, sir.

Q. Do they ever have meetings, or have they ever had meetings, do you know?

A. Yes, I know that they have had meetings, but I have never attended one of their meetings.

Q. The Director, as I understand it, is the Secretary Ex-Officio of the Board.

A. Yes, sir.

Q. Then, would the Director's office have minutes of Board meetings, or anything like that?

[fol. 822] A. No, sir.

Q. Do you know whether or not there ever were any minutes of a Board meeting?

A. Yes, sir, there were minutes of Board meeting at the time that I was Director when the Board of Registration had a meeting—held a meeting and passed a resolution for the removal of some Registrar, or the appointment of some Registrar. I received a copy of that resolution for the purpose of mailing that copy to the Registrar to notify them.

Q. I see. Where would—where would the Board's copy of that resolution be?

A. The Board's copy would be kept in the Governor's office, or in the Board's office there.

Q. Do you know if they ever had any other types of resolutions in hiring and firing Registrars?

A. No, sir, I don't.

Q. The statute provides that the Board can promulgate rules and regulations. Did they ever do that when you were Director?

A. No, sir. I don't recall them ever having a meeting to formulate the rules and regulations, or to make any changes or anything like that—I don't recall it at the time—in fact, I know that they didn't.

Q. Do you recall whether there was any file in the office when you were Director that contained rules and regulations of the Board?

[fol. 823] A. In the—in the Director's office?

Q. Yes.

A. We kept files on forms that had been—that were used in the process of registration of voters in the office—we kept that, and kept, of course, copies of the reports and

things, but I don't—I don't—I don't recall that we ever kept any—ever had any other forms like that to—

Q. When a new Registrar is appointed, does the Board send him any materials, handbook, or copy of the statutes, or anything like that—

A. At the time—excuse me, sir.

Q. —excuse me—instructions as to his duties or anything along those lines?

A. At the time I was serving as Director, when a new Registrar was appointed, we would send to them copies of our registration laws that the Secretary of State puts in one small volume, and also would be sure that they had a copy of all the forms that were used in the whole entire process of registration.

Q. Does the Board maintain any files on the Registrars containing personal data, such as their names, addresses, education?

A. The only record that I kept in the office was a record of the name, address and telephone number of each Registrar.

Q. When you were Director, did you meet personally with [fol. 824] all of the Registrars at one time or another?

A. At one—I visited each Registrar in each respective parish—

Q. I see.

A. —and then when we would have the annual state convention, I would meet those Registrars that were present at that convention.

Q. There is such a convention going on now in New Orleans?

A. Yes, sir.

Q. I understand you've just been there.

A. Yes, sir.

Q. Do you attend those conventions every year when they have them?

A. Yes, sir, I have attended all of those conventions since 1957.

Q. And at that time, could you say then, from your own personal knowledge that all Registrars are white—of the white race?

A. Yes, sir, all Registrars are of the white race.

Q. I see. Now, I understand that the Registrars each submit a monthly report to the Board with a list of the new registrants, a list of scratch from the rolls, a list of transfers and monthly statistical totals broken down by race and party. Did they do that when you were Director?

A. Yes, sir.

Q. Are those reports kept by the Board?

[fol. 825] A. Those reports were kept in the office—in the Director's office.

Q. You never discarded them when you were Director?

A. No, sir.

Q. How long have they been submitting those reports?

A. I am not positive, sir, about the time, but I—I believe that—that we started that work in the latter days of '56 or early part of '57.

Q. Was that started while you were Director?

A. Yes, sir, that was while I was Director.

Q. Then the Board puts out a statistical table by parish, by race, by party, of the number of registered voters. I understand they turn it out every month. Did they do that when you were Director?

A. Yes, sir, we started that work when I was Director.

Q. That wasn't done before the time you were Director?

A. No, sir.

Q. You said that you visited Registrars from time to time. Did you ever observe registration procedures?

A. No, sir, I didn't.

Q. Did you talk to the Registrars about the procedures?

A. Yes, I talked—I talked to the Registrars in my visits with them, yes.

Q. Do you have any idea about how many, at that time, were using the interpretation tests?

A. No, sir, I don't. I don't—at the beginning of my term I don't—I just don't remember. I don't know of any and [fol. 826] then I don't know how many were attempting it.

Q. Do you recall any parishes, specifically—do you remember any parishes, specifically, that were using it?

A. No, sir, I—I—there were parishes that were using it—

Q. I see.

A. —but I—I did not—at the time that I was present, I'm —they never did attempt to use it or try to register anybody. There was—there were those—some Registrars that were attempting to use it at that time.

Q. Do the Registrars, from time to time, inquire of the Director what procedures they should use—bring problems that they have in connection with qualifying applicants to the Director?

A. Yes, sir, they do.

Q. How are those inquiries answered—how are they made, first I should say?

A. Well, they are made by telephone calls, oral requests, sometimes in writing, and they are answered by—sometime by oral methods, sometime by just over the telephone, and sometime by—in writing.

Q. Would copies of the answers in writing be in the files of the State Board?

A. Yes, sir.

Q. Do the State Board maintain any file on the legislative [fol. 827] history—on the background of statutes dealing with registration?

A. I don't—I don't understand your question, sir.

Q. Well, does the State Board, from time to time, recommend changes in the registration law to the legislature?

A. Oh, yes, sir. Well, I—I wouldn't say that it was the State Board, but from time to time there is changes in the registration laws in our state.

Q. Is the Director of the State Board normally consulted about those changes?

A. No, sir, I—I'd say that he wasn't consulted.

Q. While you were Director, did you ever attend any meetings at which proposed legislation was discussed?

A. I don't believe that I ever attended a meeting where proposed legislation was discussed.

Q. Now, back in—I guess it was '58 and 59—the Joint Legislative Committee on segregation and the State Board had meetings with Registrars in various parts of the state. Now, did you attend these meetings?

A. Yes, sir.

Q. Did you attend all of them?

A. Yes, sir.

Q. Under whose auspices were these meetings held?

A. They were held under the notification of the Joint Legislative Committee, and we would generally get a letter from the chairman of the committee notifying us of the time and place of the meeting and requesting our presence there. [fol. 828] Q. Was the State Board the co-sponsor of the meeting?

A. No, sir.

Q. Who were at these meetings?

A. Well, they were held by congressional districts and the Registrar of Voters from each respective parish, and possibly their Deputy was there, I was there, and my secretary was there, members of the legislative—Joint Legislative Committee, the counsel for the Joint Legislative Committee, and then there would be—how many, I don't know—other public officials, the Sheriff and the District Attorney and Judges and others like that, but I don't know how many would be present.

Q. How were these people who were there notified that there was to be a meeting?

A. I don't know, sir.

Q. Did the State Board send letters out to the Registrars telling them about the meeting?

A. As well as I remember, at that time I was requested to get out those letters to these individuals notifying them of the time and place of the meeting, and that's the—that's to the best of my knowledge at this time.

Q. How about to the District Attorneys and the Sheriffs and other people who were there, did you send out letters to them, too?

A. I don't remember, sir. I sent out letters to—I was—as well as I remember, would be given a list and say, "notify [fol. 829] this many people here."

Q. Were—

A. I would—sir?

Q. Were copies of the letters that you sent out maintained in the file of the State Board?

A. Yes, sir, copies were.

Q. How about the list you were given, was that kept in the files of the State Board?

A. I don't remember, sir.

Q. Were there minutes taken at these meetings?

A. Yes, sir.

Q. And to whom were the minutes sent to—to whom were they distributed?

A. Well, the Legislative Committee had their own secretary that took the minutes.

Q. What's her name, do you know?

A. Her name was a Mrs. Mims, as well as I remember.

Q. Where does she live?

A. She lives at Homer, I believe—H-O-M-E-R—Homer, Louisiana and she would take the minutes—take a record of the meeting and they would write up minutes and mail those out to—I don't know—I presume that all that registered that were present, I am presuming that, would get a copy of the minutes.

Q. Did the State Board of Registration get copies?

A. Yes, sir, my office did get a copy.

Q. And did you keep those in the files of the State Board?

[fol. 830] A. Yes, sir.

Q. Were there any materials distributed to the Registrars at these meetings?

A. Yes, sir. They would distribute instructions and, as well as I remember, there was a little bitty booklet, maybe that was printed by the Joint Legislative Committee, that they would distribute at these meetings.

Q. Is that the booklet called "The Key to Victory in the Segregation Struggle"?

A. I don't remember the name of it, sir.

Q. Would you recognize it if I showed you a copy of it?

A. I would.

Mr. Dunbaugh: Mr. Kron, I'm going to show the witness Appendix A to the complaint—

Mr. Kron: Yes.

Mr. Dunbaugh: —in the case of United States versus Louisiana, et al.

Mr. Kron: All right. You had better identify it by the action number because there are other cases under that similar title.

Mr. Dunbaugh: Yes.

Mr. Kron: Civil Action Number 2548.

[fol. 831] Mr. Dunbaugh: Thank you.

A. Yes, as well as I recall, that was distributed to all present.

By Mr. Dunbaugh:

Q. Was there anything else distributed?

A. I don't remember, sir.

Q. How about constitutional test cards?

A. Yes, sir, constitutional test cards were distributed.

Q. I'll show you Appendix B to the complaint—there's about six or seven pages.

A. Yes, sir, those cards were distributed at the meeting.

Q. Do you recall if anything else was distributed at that time?

A. No, sir, I don't recall. There could have been, or there could not have been—I don't recall.

Q. When you received the copies of the minutes that were distributed and sent to the State Board, did you read them over?

A. These district meetings?

Q. Yes.

A. Yes, sir, when—I—I would read the minutes.

Q. Did they fairly accurately represent what took place at the meeting?

A. They were fairly accurate.

Q. Had you ever seen those test cards prior to those meetings?

A. I don't remember, sir.

[fol. 832] Q. Do you know who thought up those test cards—who composed them?

A. The first—as well as I remember, the first test cards that I remember being put out was a card with a resolution on the back of the card that was passed by the Police Jury in Plaquemines Parish.

Q. You say it had a resolution on the back?

A. Yes, sir.

Q. Was it a test on the front?

A. A test on the front and a resolution on the back.

Q. Was it the same sort of card that they distributed at the meeting?

A. Yes, sir.

Q. Were the same type of questions on it—the same sort of provisions, I should say, they don't have questions.

A. I would say, yes, sir.

Q. After those meetings, did the Joint Legislative Council follow those up in any way—did they send out letters to the Registrars?

A. I don't remember, sir.

Q. You don't recall whether any of the Registrars ever showed you a letter or—

A. No, sir, I—

Q. —asked you about—

A. No, sir, I don't. I do recall that there was some attempt made to follow up on these meetings.

Q. What sort of an attempt was that?

[fol. 833] A. By the Joint Legislative Committee, but it would principally be to place into force and effect 100% enforcement of the registration laws of the State of Louisiana.

Q. Did the members of the committee go out and visit Registrars. Did any Registrars ever tell you that?

A. I had reports from Registrars that members of the committee had visited some offices and I—I—and—but it was strictly a Registrar telling me that Mr. So and So was by here.

Q. Do you recall which Registrars, offhand?

A. No, sir, I do not.

Q. Well, what members of the committee?

A. It was Senator Rainach, I believe was the only one that I heard mentioned at that time.

Q. You don't recall what parish?

A. No, sir, I don't.

Q. Other than the ones that I have mentioned, can you think of any other records that are kept by the office of the State Board of Registration?

A. There are other records—statistical records to—of potential registration was kept.

Q. Are they in the form of a report made to somebody—something like that?

A. Yes, sir, those—they are in the form of a report that's for the use in the office there.

Q. That's about all I can think of Mr. Fowler.

[fol. 834] Mr. Dunbaugh: Mr. Kron?
Mr. Kron: No questions.

Witness excused 10:40 A. M.

[fol. 835]

PLAINTIFF'S EXHIBIT No. 22E

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of William M. Rainach, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the Post Office Building, Homer, Louisiana, on the 9th day of October, 1962, commencing at 9:50 A.M.

APPEARANCES:

Frank M. Dunbaugh, Esq., Attorney, Department of Justice, Washington, D.C., for Plaintiff.

Harry Kron, Esq., Attorney General's Office, State of Louisiana, Baton Rouge, Louisiana, for Defendants.

A. B. Atkins, Jr., Esq., North Main Street, Homer, Louisiana, for William M. Rainach, Witness.

[fol. 836] The witness, WILLIAM M. RAINACH, after being duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. Will you state your name, please, sir?
A. W. M. Rainach.

Q. What is your address, Mr. Rainach?

A. My residential address is Summerfield, Louisiana, and my business address is Homer, Louisiana.

Q. Where were you born?

A. Kentwood, Louisiana.

Q. How long have you lived here?

A. Oh, I'm 49 years old, and I've lived here since approximately the age of 4.

Q. Were you at one time the senator from this district?

A. Yes, sir.

Q. What district is this?

A. The 27th Senatorial District.

Q. How long did you serve in the Louisiana legislature?

A. 20 years.

Q. While you served in the legislature were you chairman of the Joint Legislative Committee on Segregation?

A. Well, it's been referred to as that. It had no such official name.

Q. What was the name of it, sir?

A. The Joint Legislative Committee.

Q. Do you recall when that committee was formed?

[fol. 837] A. As I recall it was in 1954.

Q. How long did you serve as its chairman?

A. Until I went out of the Senate in 1960.

Q. From the time the committee was formed?

A. Yes, sir.

Q. Is it true that you were an incorporator of the Association of Citizens Councils of Louisiana?

A. I can't recall that specific detail. I was one of the organizers of the Association of Citizens Councils of Louisiana.

Q. When was that organized?

A. So much has happened I can't recall all of the details, but I think it was 1945.

Q. Have you ever served as President of the Association?

A. Yes, sir.

Q. During what period were you President?

A. Well, as I recall I was President from the beginning until either the latter part of 1958 or early 1959 when I resigned and Mr. John S. Garrett became President.

Q. Have you held any other offices in the Association?

A. No other office.

Q. Were you a member of the Board of Directors?

A. Yes, sir, I think membership on the Board is distinct from being an officer.

Q. What did the Association do, what was the—

A. Well, the Association was set up for the purpose of preserving constitutional government in the United States, [fol. 838] and for preserving the national sovereignty of this country, for preserving the traditions and institutions of the states of the South, for preserving the liberty of the individual, and for preserving the identity of the races.

Q. You spoke of the traditions and institutions of the states of the South. Could you expand on that a little?

A. Well, that would include the friendly relations that have been maintained between the races of the South for the past 50 or 60 years—which largely stem from our social policy of separation of the races.

Q. In other words, that would include segregation in schools and segregation in other public facilities?

A. Yes, sir, I think that is a perfectly legal constitutional objective as well as a social one.

Q. Did the Association also undertake to help to organize local councils?

A. Yes, sir.

Q. Were you active in this—

A. Yes, sir.

Q. In what parishes did you help to organize local Citizens Councils?

A. I couldn't recall at the moment. I don't know whether I could give you a precise answer, but it was in a number of parishes.

Q. I take it that you helped to organize Citizens Councils [fol. 839] here in Claiborne Parish?

A. Yes, sir, certainly.

Q. How about Arcadia?

A. Yes, sir, and several Citizens Councils in Bienville Parish, where Arcadia is the parish seat.

Q. Did you also help to organize councils in Union Parish?

A. Yes, sir.

Q. In Grant Parish?

A. I don't recall whether I helped to organize one in Grant or not. They were formed in Grant.

Q. How about in LaSalle Parish?

A. I don't believe I ever talked or visited LaSalle Parish. I don't recall.

Q. Winn Parish?

A. Yes, I spoke at Winn Parish, yes, sir.

Q. De Soto Parish?

A. De Soto Parish, yes, sir.

Q. During 1956 a number of the councils of which you've just spoken about undertook to examine the registration records in those parishes. Did you participate in any of that?

A. I can't recall the particular year, but I undertook very little personal examination of records.

Q. Did you speak to Citizens Councils groups urging them to examine voter registration records?

A. Yes, I have.

Q. What did you tell them?

[fol. 840] A. Well, I told them that there were many unqualified people on the rolls of the Registrars of Voters' records, and government in the United States could be no better than the general level of the qualification of the electorate. We should remove unqualified voters from the rolls and uniformly enforce the voter qualification laws of this state, and the result would be a general raising of the level of the electorate, which should bring about the further result of a more sensible and better government for this country—for this state and this country.

Q. I take it then that you urged these councils to do what they could to remove persons from the voter rolls?

A. Yes, sir, I advised not only councils, but as—but the public in general—I think that we should enforce our voter qualification laws and remove unqualified people from the rolls.

Q. Did you also urge to them that they do everything that they could to see that the voter registration laws were strictly enforced?

A. Yes, sir.

Q. Did that include the use of the constitutional interpretation tests?

A. Yes, sir. May I add at this point that, without having the Constitution before me, it is my recollection that the Constitution of the State of Louisiana requires that this [fol. 841] test be applied. It is not optional.

Q. Did you feel that these activities would help to further the aims that you expressed before about maintaining segregation of races?

A. I think that if these activities that I have advocated were applied uniformly in this state and in the rest of the United States we would not only preserve separation of the races, but we would preserve a lot of our other American institutions that are being lost as well.

Q. How would that program of cleaning up the voter rolls and applying the interpretation tests accomplish that?

A. That would go back to my original statement that we would have a better qualified and more intelligent, and to some extent a better educated electorate in the country, and the electorate would be capable of exercising much better judgment than has been shown as exercised in the past by the electorate in this country, particularly the past 20 or 30 years.

Q. Did you feel that this program would officially reduce the number of Negro voters in this state?

A. Yes, sir, and to some extent whites.

Q. But to a greater extent the Negroes?

A. Numerically it probably would have removed more whites than Negroes.

Q. I believe at one time you were quoted in the press as saying that the program would remove about 117,000 Ne- [fol. 842] groes from the voter registration rolls, is that accurate?

A. I don't recall how many there were registered at the time. I don't know precisely how many are registered today, but I imagine it would have removed 100,000, and it probably would have removed—if my advice had been carried out, it would probably have removed more than that many whites, and it's more—it's more beneficial and lasting effect would be the prevention of the registration of unqualified voters in the future.

Q. In connection with these activities involving voter registration did the Association of Citizens Councils of Louisiana distribute literature to the local Citizens Councils?

A. Yes, sir, we distributed—we did distribute literature of various kinds on various occasions.

Q. Among those things was there a pamphlet entitled "Voter Qualification Laws In Louisiana," sub-title "The Key To Victory In The Segregation Struggle"?

A. Do you have a photocopy of the exhibit?

Q. I show you a copy of Appendix A to the complaint in this case and ask you to examine it.

A. I have examined it.

Q. Is that a pamphlet that was distributed by the Association?

A. Yes, sir, it appears to be.

[fol. 843] Q. Did you distribute that to local Citizens Councils?

A. It was widely distributed. Of course, I didn't handle the details myself. I would assume that it was distributed to all of the local Citizens Councils.

Q. Was it also distributed to Registrars of Voters?

A. I can't answer you categorically. It probably was.

Q. Do you remember ever giving a copy to a Registrar?

A. Personally giving a copy?

Q. Yes, sir.

A. No, sir, I don't recall personally giving a copy, although I probably did.

Q. Was it also distributed to other public officials, sheriffs and people of that nature, Police Jurors and—

A. As I recall it was distributed all over the South, possibly to other states in the Union.

Q. During 1958 and 1959 did the Joint Legislative Committee hold meetings in conjunction with the State Board of Registration?

A. I can't recall the precise dates or years, but the Joint Legislative Committee did hold meetings with the—I don't know—we called them Congressional District meetings, I believe, with the Registrars of Voters in the state, and with local officials in conjunction with the State Board of Registration.

Q. Were local officials, Registrars of Voters and Citizens Councils members from all of the parishes in the state invited to these meetings?

[fol. 844] A. There was an open invitation to the public and the—I don't recall whether or not the local officials were extended specific invitations.

Q. What was discussed at those meetings?

A. Uniform enforcement of the voter registration laws of the State of Louisiana.

Q. Were copies of this pamphlet distributed at those meetings?

A. You are asking me about detail at the meeting—at each meeting. That was a very long time ago. I imagine they were, but I couldn't tell you precisely.

Q. Do you recall if the booklet was discussed?

A. I couldn't recall whether or not it was discussed at each meeting, no, sir. I think a man who hasn't been doing very much could remember everything he had done.

Q. Now, I would like to direct your attention to Appendix B to the complaint—

A. Yes, sir.

Q. —which consists of, I believe, 12 pages. Do you recognize what those are?

A. Yes. Those are photocopies of constitutional tests for voter registration.

Q. Have you ever seen any of those copies?

A. Yes, sir.

Q. Where did you see them?

A. Well, I believe I first saw them in—oh, I—in Baton Rouge or New Orleans. As I recall they were first used in [fol. 845] Plaquemines Parish, Louisiana, and as I also recall they have been at one time held constitutional by the Courts—the Federal Courts in connection with a voter registration suit against the Parish of Plaquemines in Louisiana.

Q. Did you or the Joint Legislative Committee or the Association print up cards like that?

A. I can't recall how they were printed—whether we printed them or whether they were furnished us by someone else—but we had them.

Q. What did you do with them?

A. As I recall, at each one of the meetings sets of the cards were given to each of the Registrars at the meetings, and they were—the Registrars were advised that this was the one constitutional test that had been upheld legally in the Federal Courts, that the Constitution of Louisiana did not require a Registrar of Voters to use this set of cards, but in case the Registrar of Voters wanted to use the cards they could be used validly under our laws as well as under the laws of the United States.

Q. Did you want the Registrars to use those cards?

A. Well, we thought that was a much more systematic method, provided more uniformity than a method of random application of constitutional interpretation tests taken from the text of the Constitution itself, where you just open up—reach for the Constitution and open the book, [fol. 846] and where the page happened to fall open, that you asked a person to interpret from that particular page.

Q. Did you urge the Registrars then to use these cards?

A. I believe I stated that in my previous statement.

Q. Your answer is yes?

A. Yes, sir. Of course, we didn't insist on it.

Q. At the meetings that you are referring to—were these handed out in the Congressional District Meetings which you mentioned before?

A. Yes, sir, as I recall it.

Q. Did the Joint Legislative Committee urge these voter purges that we discussed before?

A. Well, I can't recall whether or not we specifically urged any voter purge. Of course, we did urge the uniform enforcement of our voter registration laws, and that would include removing unqualified voters from the rolls and the prevention of registration of future unqualified voters.

Q. I believe you said that the purge—the purpose for this strict enforcement, including the purges and the strict enforcement of the interpretation tests, was to preserve the southern traditions and institutions of which you spoke about?

A. I stated that was one of the several objectives of the tests.

(Off-the-record discussion.)

[fol. 847] By Mr. Dunbaugh:

Q. I believe that at these Congressional District Meetings that you produced some statistics on registration in the State of Louisiana?

Mr. Kron: May I interrupt at this point; I think it would be best to dispose of it here once and for all. Will you permit me to ask one question to resolve with definiteness your attempt to get the purpose of the movement of the council? I think we could then get off of that and go on to the other matters. Will you permit that?

Mr. Dunbaugh: Well, I'm off of it, and going on something else now.

Mr. Kron: Well, that's why I thought this would be the appropriate place to have it in the record, rather than come back at some later time.

Mr. Dunbaugh: Go ahead.

A. (The witness did not reply.)

By Mr. Kron:

Q. Mr. Rainach, I show you again Appendix A, attached to this complaint, entitled "Voter Qualification Laws In Louisiana," "A Manual of Procedure, et cetera, et cetera," which you have previously inspected and identified, and [fol. 848] ask you to read therefrom from Page A-5, the concluding paragraph thereof. Would you read this into the record, please?

A. This is not the entirety of the concluding paragraph, but it states in essence the purpose of the pamphlet: "In proceeding to clear the rolls of illegally registered voters and in establishing a systematic procedure for registration in your parish, you must be exceedingly careful to observe the legal rights of all of the citizens of the parish. The whole purpose of our registration laws is to prevent the registration of ignorant, 'bloc' voters who would become the tools and pawns of scheming adventurers."

By Mr. Dunbaugh:

Q. What do you mean by "bloc" vote?

A. Well, the word "bloc" means any—of course, means any group who would vote—any large group of voters who would cast their ballots for the same purpose. It's usually referred to as such a group that casts their votes in such manner that the effects would not be for the good of the government affected thereby.

By Mr. Kron:

Q. Mr. Rainach, the concluding sentence of this pamphlet says as follows: "Discrimination between applicants or registrants cannot be tolerated. The future of our state, our family, and future generations will depend to a great extent on how these registration laws are enforced." Do [fol. 849] you subscribe to that statement, sir?

A. Yes, sir.

Q. Is that what you attempted to convey to Mr. Dunbaugh in answer to Mr. Dunbaugh's questions as the underlying purpose of your movement and your activities in this regard?

A. May I quote at this point, "I am not, nor ever have been, in favor of making voters or jurors of the Negroes, nor of qualifying them to hold office, nor to intermarry with white people." Those are not my words. They are the words of Abraham Lincoln, and they were spoken at Columbus, Ohio, in the year 1859. In all my official actions, though, I have carefully advised that our voter qualification laws be fairly and uniformly administered, and that any person who met the legal qualifications be registered to vote. I have done this despite Lincoln's further assertion in Springfield, Illinois, in 1857, that "I hold that a Negro is not and never ought to be a citizen of the United States."

By Mr. Dunbaugh:

Q. In the Congressional District Meetings you presented some statistics on voter registration here in Louisiana, going back to the 1880's, I believe, do you recall that?

A. Well, I recall the accumulation and the presentation of statistics. I don't have a copy of them with me. Do you [fol. 850] have a copy?

Q. What was the purpose in this statistical analysis—what were you trying to convey?

A. The purpose, of course, of the statistical analysis was to illustrate the—some aspects of the breakdown of the enforcement of our voter qualification laws.

Q. Is it true that you used these statistics to point out to the people at these meetings that by use of the voter qualification laws Louisiana in 1898 had straightened out its segregation problem, and that the same thing could be done today?

A. You are bringing out a detail that I can't categorically answer.

Q. Do you remember ever saying anything to that effect?

A. I may have. I don't recall.

Q. In connection with that, Mr. Rainach, you were quoted as follows, and I would like for you to tell me whether or not this appears to be correct to you: "This battle is for our whole way of life and all our domestic institutions. Every bit of information coming from the opposition, however, indicated that it is primarily a fight for the illegally registered Negro vote. We used the word qualification laws before in 1898 to clean up our registration laws when we faced the same problems, and we are here today laying plans to use it again for the same purpose."

[fol. 851] A. I can't recall ever saying that specifically, but I imagine that would be a correct statement of fact.

Q. You were served with a subpoena duces tecum, and your counsel has explained to me that you do not have all of these documents. I wish you would please explain into the record where these documents are and why you don't have them.

(Short recess.)

A. At this point I would like to ask that the record be changed to make a correction of the date given by me earlier in the testimony. I believe that I was asked when the Association of Citizens Councils of Louisiana, Incorporated, was formed, and it has been called to my attention

that I said the year 1945, which would be ten years in error. The correct date, as near as I can recall at the moment, would be 1955.

(At this point the reporter repeated the above question for the witness.)

A. With reference to document 1, a copy of each issue of the Councilor Newsletter, published by the Association of Citizens Councils of Louisiana, I am not the official custodian of the records of the Citizens Councils of Louisiana since I resigned. I have not been since I resigned as President. All of the records of the Citizens Councils of Louisiana were kept in the office of the Citizens Councils, and some of my personal records may have been kept there. [fol. 852] The office was transferred to Baton Rouge over two years ago, I believe, and it since has been transferred to Shreveport. And I would assume that any records of the Citizens Councils would be in the Shreveport office.

By Mr. Dunbaugh:

Q. What address is that, and who is the custodian?

A. Well, Charles L. Barnett of Shreveport is President of the Association of Citizens Councils of Louisiana. Ned Touchstone of Bossier City is the secretary-treasurer of the Association of Citizens Councils. The latter party would normally be the custodian.

Q. With respect to the Councilor, were you the editor of the Councilor?

A. No, sir, Mrs. Frances P. Mims was the editor of the Councilor.

Q. But I believe that you wrote a column for it?

A. Well, you have more knowledge at the moment of it than I do, apparently. I can't recall writing any continuous column for it. She may have written one for me. Number 2, the minutes or copies thereof of each meeting held by the Association of Citizens Councils of Louisiana during the period, January 27, 1956, to the present time. My answer to number 1 would apply to number 2. Number 3, a copy of the articles of incorporation and the by-laws of the Association of Citizens Councils of Louisiana, the articles of incorporation are filed in the Claiborne Parish Court-

[fol. 853] house and the Secretary of State's office in Baton Rouge, and are a matter of public record. You can get them there. Insofar as I know, there are no by-laws that have ever been adopted. Article number 4, the minutes or copies thereof, and all drafts and notes thereof of each of the Congressional District Meetings held during the period December 1, 1958, through February 28, 1959, under the sponsorship of the Louisiana Joint Legislative Committee on Segregation and State Board of Registrars. I have made a diligent search of my records, and I have been unable to find any such minutes. The secretary of the committee was the official custodian of the records.

Q. Who was that?

A. Ford Stinson—Representative Ford Stinson. Now, beginning a number of years ago, in my public activity, I began accumulating massive files having to do with various public issues and correspondence relating to personal and public matters. I filed each of the items in connection with my whole file system alphabetically and by subject matter, closed out by dates insofar as possible. About two years ago, when my physical condition broke down due to accumulated fatigue, I began to be unable to keep up with my files. They became a jumble. About four months ago I placed someone in charge of reassorting all of my files by chronological date, and then instituting a cross-reference [fol. 854] card index, and that party started that reassortment enough to mix them up, and they are all mixed up now. It would take me 3 months of time to really find out what I have in my files. With reference to number 5, a copy of each edition of the pamphlet "The Key To Victory In the Segregation Struggle," published by the Association of Citizens Councils of Louisiana, you have that in the record, and as I recall only one edition was published. Number 6, copies of all correspondence between William M. Rainach and the Registrar of Voters of any Louisiana parish. I never had any single file covering any correspondence to Registrar of the Voters as such. A number of the Registrars are my personal friends. I may have and probably did communicate with them at sometime or another, but had I made such communication I couldn't find it now.

Certainly not in the reasonable time you gave me to appear here—the reasonable in quotes. I did make an effort to look, but I couldn't—it would be impossible to find. Now, if you have any particular correspondence I, of course, would be able to identify it.

Q. Now, in connection with the minutes of the Congressional District meetings, I take it those would be in the records of the Joint Legislative Committee?

A. If there are any such records, yes.

Q. Where are those records kept?

[fol. 855] A. Mr. Garrett has what records that have been kept since he became chairman, and I have among my personal files what—intermingled, what records I had when I was chairman.

Q. When you were chairman, was it a practice to keep records of the committee—minutes of the committee meetings in—

A. There are—

Q. —Baton Rouge, or did you keep them with you here?

A. Well, there never was a Baton Rouge office. I had what minutes were kept here.

Q. Did you read over all of the issues of the Councilor?

A. You mean the Councilor Newsletter?

Q. Yes, sir.

A. I don't think I read all of them before they were published. I read most of them before they were published.

Q. How about after they were published?

A. Oh, yes, sir.

Q. Did they pretty much express your views?

A. Well, some of them did, yes, sir.

Q. Before we were talking about the bloc vote. Isn't it true that in Louisiana ordinarily the term "bloc vote" means the Negro vote?

A. Not necessarily, no, sir. At a time before there were very many Negroes registered, we certainly had blocs of white voters who, in the opinion of many, didn't vote for [fol. 856] the best interests of the State of Louisiana. There are also blocs, such as the school teachers' vote, and the labor vote.

Mr. Dunbaugh: I have no further questions.

Witness excused at 10:50 A. M.

[fol. 857]

PLAINTIFF'S EXHIBIT No. 22F

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of WILLIAM M. SHAW, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the Post Office Building, Homer, Louisiana, on the 9th day of October, 1962, commencing at 11:54 A.M.

APPEARANCES:

Frank M. Dunbaugh, Esq., Attorney, Department of Justice, Washington, D.C., for Plaintiff.

Harry Kron, Esq., Attorney General's Office, State of Louisiana, Baton Rouge, Louisiana, for Defendants.

A. B. Atkins, Jr., Esq., North Main Street, Homer, Louisiana, for William M. Shaw, Witness.

William M. Shaw, Esq., 515 South Main Street, Homer, Louisiana, In Proper Person.

[fol. 858] The witness, WILLIAM M. SHAW, after being duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. State your name and address, please.
A. William Marshall Shaw, Homer, Louisiana.
Q. What is your occupation, Mr. Shaw?
A. I'm a lawyer.

Q. Were you at one time the counsel for the Joint Legislative Committee?

A. I was.

Q. What were your functions at that time?

A. I was the general counsel for the Joint Legislative Committee from the time of its organization, which was in 1954 until the advent of the Davis administration, which was in 1960, as I recall. By Davis I mean Jimmy Davis, the present Governor of the state of Louisiana.

Q. Are you a member of the Association of Citizens Councils?

A. Yes and no. Perhaps, I'll have to explain that.

Q. Go right ahead, Mr. Shaw.

A. The Citizens Councils organization —the first one was organized here at Homer in 1955. Now, I am speaking of the Citizens Councils in Louisiana, the only one in the state of Louisiana. I drew up the charter for that organization, was the first president of it, and I more or less helped to [fol. 859] a great extent in its organization and its operation. Sometime thereafter in 1956, I believe—well, later on in 1955 or '56 we went over the state—I say "we," a number of us, and I was one of them—organizing local councils at different towns and parishes over the state. Thereafter we organized—by "we" I mean a large group of people organized the Association of Citizens Councils of the State of Louisiana, which was a separate organization. I wanted to explain this because in drawing up the article—and I drew up the articles for practically all of them—I had a printed form made of the type that I did—I stipulated in it, against the wishes of those who were associated with me, that each separate council is a separate entity—although it might cooperate with others, it is not—it cannot legally be affiliated with any other or surrender any of its power. So, in order to understand what I meant, you have to know that there are many Citizens Councils in the State of Louisiana. The Association of the State Citizens Councils which is what I presume you were referring to, is a separate organization, not affiliated with any of the others. I was a member on the Board of Directors and officer of it from the time of its inception up until sometime in 1960 or thereabouts, at which time I dropped out, because I felt like it was no longer fight-

[fol. 860] ing the fight the way I thought it ought to be fought. In other words, I thought they were compromising on the question of segregation, and I would not be associated with any organization that I didn't feel like was going to be sincere in its fight.

Q. What office did you hold?

A. I was secretary of the organization. I might say that in the particular incident involved, Davis to whom I have heretofore referred had made some public commitments to close those schools in New Orleans which were threatened with integration. I, personally, at one of the Board of Directors' meetings offered a resolution demanding that he do so. It was passed. I was asked to draw it up, which I did, and I brought it with me in case there might be any question about it, and sent in it, and they refused or failed to ever do anything on it. After that, as far as I was concerned the Citizens Councils could take care of something else, because I was going to be fighting the fight for segregation, regardless. I will go further and say this, that to the best of my knowledge, the Association of Citizens Councils, which has changed its name to the Councils of Louisiana, is now for all practical purposes a dead organization. I doubt if they have got a hundred paid members. I'm not familiar with it, no longer being associated with it.

Q. While you were associated with the Association and also associated with the Joint Legislative Committee, were [fol. 861] you active in the field of voter registration?

A. I was just as active as I could be.

Q. What did you do?

A. I did a good many things. I wrote that pamphlet that you've been inquiring about, except for the—

Q. You're referring to "The Key To Victory"?

A. "The Key To Victory," right. I wrote it, except for the foreword in the thing, which was written by Willie Rainach, and I distributed that pamphlet very widely. I talked at length to officials to—I'm talking about state-wide officials, to local officials, to citizens everywhere, suggesting that what was badly needed in this state, and was more badly needed in the states in the north and east, was a complete clean-up of the voter rolls, and that there was no prospect of this happening with the type of people we had

in politics here and in these other places. So we had to do it from a grass roots standpoint.

Q. Did you talk to many registrar of voters about this?

A. I talked to, I would probably say, most of them in the state.

Q. And to Citizens Council groups throughout the state?

A. True.

Q. Did you urge them to conduct purges of voter registration?

A. I certainly did. Offered to help in any way I could.

Q. In these activities, did you urge that the constitutional [fol. 862] interpretation tests be strictly enforced?

A. I certainly did.

Q. Was your purpose in doing this to maintain segregation in Louisiana?

A. My purpose in doing this was to maintain decency in Louisiana. What the—I told this, incidentally, to the Supreme Court in the case of Larche—Hanna Versus Larche and others, or Larche Versus Hanna, in which I represented a number of people. Most yankees, if I may use that word to separate them from people in the South, do not understand what was going on down here. What we had here in the state of Louisiana was a political organization—the Long political administration of which the Davis administration is an illegitimate child, which had for years preyed upon the electorate of the state of Louisiana, both the white and negro. They kept themselves in power by virtue of keeping enfranchised a bunch of people who neither understood nor cared for any of the duties of a citizen under a republican form of government such as we are supposed to have. I was keenly interested in getting off the rolls all of these people.

Q. Did you think that the interpretation test, if applied strictly, would keep most of the Negroes off the rolls?

A. I thought it would keep a good many of the white people and practically all of the negroes. The reason for that is because I know that the negroes basically lack the intel- [fol. 863] ligence to pass a reasonable test of this kind when fairly administered.

Q. Did you tell the registrars this?

A. I certainly did. I told the United States Supreme Court the same thing.

Q. I'd like you to refer to first of all Appendix A attached to the complaint in this case.

A. Let me get you the original of the thing, if you want me to, because there is actually a little difference in what was testified to—although I believe the people that were testifying were unaware of it. O.K.

Q. Is this the booklet that you referred to, sir?

A. I have in my hands the booklet that I refer to, which I would prefer using if it's the same to you than using what you have there as Appendix A.

Mr. Dunbaugh: Would the court reporter mark those—

A. I will let you have these two back, too, because I have copies of these. I will let you enter these in the record.

By Mr. Dunbaugh:

Q. Fine.

A. There are actually two editions of this, "The Key To Victory." The only change between the original edition and the later edition was in paragraph number 3 on the 4th page. Between the intervals involved the state law had been changed in order to specify that one year's residence [fol. 864] for a non-resident was sufficient to qualify, and that was the only reason that the change was made.

Mr. Dunbaugh: Would the court reporter mark each of those so that—

A. The original edition is undated at the bottom. The second edition, which had this change, and I doubt that any of the previous witnesses were even aware of this, because I did it myself in December of 1958.

(The court reporter marked the two documents "Shaw-1" and "Shaw-2.")

By Mr. Dunbaugh:

Q. Now, Mr. Shaw, I would like to direct your attention to Appendix B in the complaint.

A. All right.

Q. Would you examine those? They consist of 12 pages altogether.

A. I will examine them in cursory manner. I think I am familiar with these already, if that's what you are referring to.

Q. What are they?

A. They were some cards which were suggested tests—let me give you a little background on that. The administration of the constitutional tests presented some difficulty in this respect that over the years it had been customary to give it orally. Registrars—I'm sure you are probably familiar with the case of Trudeau Versus Barnes, in which [fol. 865] our constitutional test was challenged in the state of Louisiana, and went to the 5th Circuit and was upheld. It went to the Supreme Court, and they denied writs of certiorari. In other words, Trudeau Versus Barnes had established, as far as we were concerned, by a ruling of the Supreme Court that our constitutional tests were legal and valid. Registrars gave those tests orally. And then we started getting complaints from a lot of Negroes who couldn't qualify and from a lot of white people who couldn't qualify, and from Earl Long who saw some of his voters being nipped off the rolls. And so, in an effort to try to make the thing as objective as possible, Judge Leander Perez, according to my information in his discussions with me, thought we ought to draw up a printed form of tests, and these cards—if they are the ones which I'm referring to, and I think they are—were originally adopted in Plaquemines Parish by the Plaquemines Parish Police Jury as a recommended form for their voter registration tests. I examined these things, and they appeared to me to be entirely practical and satisfactory, and in order to put down some of these complaints that Earl Long and his group of roll corrupters were trying to circulate, I advocated myself that the registrars use these, because I thought it was a good idea.

Q. Did the Joint Legislative Committee print up copies of those?

[fol. 866] A. Not to my knowledge. I think that—they were furnished to us. We had a lot of private people involved in this thing, and to the best of my recollection they were given to us by some of these people, who were doing it privately, who I—I don't recall specifically, because they

became widely used or widely put out by different Citizens Councils.

Q. Were they distributed by the Joint Legislative Committee at these Congressional District Meetings?

A. Whether they were distributed in bulk or not I don't know. I know that I had some along with me, and I discussed it with the registrars, showed it to them, and recommended that they use them. So as far as it being recommended by the Joint Legislative Committee, and at that time I was general counsel, I did my best to urge that they use them, in order to put down, as I said, this stuff that these local politicians—not only the Long administration, but a lot of these local corrupt politicians were doing the same thing, trying to prevent the rolls from being cleaned up.

Q. Now, I would like to direct your attention to Appendix C of the complaint and ask you to examine that, please.

A. (The witness complied.)

Q. Have you examined it?

A. I have.

Q. Will you tell us what it is, please?

A. Would I tell you what it is?

[fol. 867] Q. Yes, sir.

A. A letter to Mrs. Myrtle C. Beard, Lake Providence, Louisiana. It has got my name signed to it, but obviously not my signature. However, I subscribe to everything that is said in there. I'm sure whoever did it probably did it under my direction.

Q. That's a letter from the Joint Legislative Committee to the registrar of that Parish?

A. No, it's a letter from me to Mrs. Myrtle C. Beard, the registrar of Lake Providence, Louisiana.

Q. Did you send out letters like that to all the registrars?

A. Not to my knowledge. As a matter of fact I had even forgotten about this one. This is the first that I—as I say, that is not my signature, although it is my name signed to the thing, and I have no doubt that—I mean I would have told her this if she would have asked me and authorized anyone to write that. So I am not trying to disclaim any responsibility, of course. I think it's a very good letter.

Q. Do you think that letters like that were sent out over your name to all the registrars?

A. I really couldn't say, but I personally tried to tell registrars the substance of this myself, and I talked to most of them in the state.

Q. That accurately represents then what you did tell registrars while you were counsel for the Joint Legislative [fol. 868] Committee?

A. In an abbreviated way it does. I was much more full in my recommendations than this letter here. This is just a—

Q. How do you mean—what did you tell them?

A. I told them to be sure and clean up the rolls, and to get off these people—there are a good many illiterates in south Louisiana, who are—most of whom are—I say—not most of them, but a large percentage of whom are white, and then there are a lot of illiterates in other places of the state, who have been encouraged to vote by the same clique that I've been telling you about, and I tried to get the registrars to clean up the whole deal repeatedly, and am still trying to do so. Now, you understand, don't you, that in Lake Providence—I'm sure you—there were no negroes registered there at the time, so that the clean-up there would almost have to be a clean-up of white people. You follow that, do you not?

Q. Yes, sir.

A. I believe you are the attorney, are you not, in the suit against the Lake Providence registrar because there were none?

Q. Did you tell the registrars that this test that's in Exhibit B here—Appendix B, that this test was a test of native intelligence?

A. No. I recommended this to them. I said that the constitutional test—

[fol. 869] Q. Yes.

A. —and their ability to understand the duties and responsibilities under a republican form of government, which is another one of the tests, is basically a test of a person's understanding, which is native intelligence—in that you can educate a fool, but you'd still have nothing but

an educated fool when you get through, and he wouldn't be able to qualify. And therefore if they were correctly and fairly administered—that's the key to the whole thing—directed fairly—then it will amount to a test of ability, of a person's understanding, which is native ability. It is not education. Education can merely refine native understanding. If you have no native understanding to start out with, it can't be refined.

Q. You've been quoted as telling the registrars at some of these Congressional District Meetings that the test was a test of native intelligence and not book learning, and that experience teaches that most of our white people have this native intelligence while most Negroes do not. Does that sound like an accurate statement?

A. Well, I would probably have been more direct. I would have said that most of our white people have it and most of the negroes don't, and I wouldn't have put the experience on it. That's a matter of just—that sounds more like what some of the other people would have said, and I would say in effect the same thing. But I would try to be more direct [fol. 870] about it.

Q. Did you tell the registrars that?

A. Yes. Of course, they understood I was speaking in my opinion, you understand. I'm not—I don't purport to be a psychiatrist or a psychologist or anything, but I am thoroughly satisfied that that is true, and I will repeat it again for the record.

Q. You've said that that last Appendix C was not signed by you.

A. That is not my signature on there.

Q. Was the Joint Legislative Committee—did it have the practice of sending materials out to registrars?

A. I wouldn't say the Committee did. I would go out frequently and talk with them. I'm sure that other members of the Committee talked with them a great deal. As far as writing to them I've—at your request as put forth in your subpoena I have checked what records I have, and I came up with two or three letters that I had written. That's all that I could find. You realize that it is several years now since this has taken place, and my files—I have made no particular attempt to keep files.

Q. May I see those letters?

A. You may. You may make copies of them, too, if you so desire. Here's one, and here are the others.

(Mr. Dunbaugh examined same.)

Q. I notice, Mr. Shaw, that a good deal of that corre- [fol. 871] spondence deals with the Ouachita Parish?

A. That is correct. Would you like to make copies of that for your records?

Q. I don't think it will be necessary.

Mr. Kron: At the proper time I intend to have copies introduced into the record.

A. Those are my originals is the reason why I—

Mr. Kron: Yes, we'll go ahead and make copies and put them into the record. I don't see why we don't copy it now. I would like to have these in the record, so that if it's agreeable we can do it by agreement, that these will be copied and placed in the record in connection with Mr. Shaw's testimony, okay?

Mr. Dunbaugh: Okay.

By Mr. Dunbaugh:

Q. Do you recall the situation in Ouachita Parish?

A. I certainly do.

Q. Is it true that as a result of a purge conducted by the Citizens Council in Ouachita Parish that a great many Negroes were taken off the registration rolls?

A. No. It's true that as a result of a purge conducted by individuals over there a great many people were taken off the rolls, including quite a few negroes.

Q. Would you say most of them were Negroes that were [fol. 872] taken off the rolls?

A. I don't think I've ever made any attempt to try to divine between the ones, but in the main as I have said before, being fully satisfied of the fact that they would be the ones who were illegally registered in the bulk, I would without hesitation say that undoubtedly the largest group of them should be negroes. If they're not, I would be badly disappointed.

Mr. Kron: You may just be disappointed. They were not. Most of them were white.

By Mr. Dunbaugh:

Q. Is it also true, Mr. Shaw, that immediately after this purge was conducted by private citizens in Ouachita Parish, that the registrar of voters there started to use the interpretation tests?

A. That I couldn't say. You would have to ask the registrar on that, but let me explain to you how I came to be so well acquainted with what happened at or about that time. Among other offices I have held have been that of special assistant to the Attorney General of the state. And while I was in Baton Rouge one time a call was received there by Mr. Fred LeBlanc that they were having some difficulty in connection—Mr. LeBlanc at that time was the Attorney General of the state—having some difficulty in connection with registration and a voter clean-up in Ouachita Parish. I was headed back home, and he asked me to stop by and [fol. 873] talk to the registrar, which I did. I came into the registrar's office one afternoon, and I was discussing the matter with her when one Jimmy Noe, large, opulent politician of Ouachita Parish, who is a hanger-on of Earl Long, was there with a group of negroes, came in and tried to register them. And the registrar asked me whether she had to register them. He was telling her she had to register them, not because they were capable of passing the test, but because they were—one of them was a school teacher. He said therefore he was automatically, in effect—he was automatically entitled to register. The registrar asked me, as the Attorney General's representative who was there, whether or not she had to put this man back on the roll, and I told her that she did not. He had been challenged, and he had not responded as required, and I've forgotten the exact verbiage, but at that time there was a near riot in the registrar's office. We never got down to the point of swinging, but—

Q. Well, to make a long story short about that—I don't want to cut you off, but—

A. You won't, I'll assure you of that. I will go as long as I want to.

Q. Did you advise her that she would have to give interpretation tests to each of these applicants?

A. I advised her that she should give every applicant a registration test.

[fol. 874] Q. Including a constitutional interpretation test?

A. Including a constitutional interpretation test.

Q. Did she say at that time whether or not she had given the interpretation tests in the past?

A. I do not recall whether or not she said she had, but it was my general impression that she probably had not. I don't recall the exact fact, but that's my general impression. Of course, I pointed out to all of these registrars that failure to observe the law in the past was no excuse for failing to observe it in the future.

Mr. Dunbaugh: I have no further questions.

A. Let me ask you something. Didn't you want me to bring a lot of material up here? I brought a lot of it.

By Mr. Dunbaugh:

Q. Oh, that's true, I'm sorry.

A. I don't want you to go away empty-handed.

Q. Thank you. Have you the subpoena with you?

A. I do.

Q. All right. Why don't you just go through—which documents there do you have?

A. You have asked me to bring with me the articles of incorporation and the by-laws of the Association of Citizens Councils of Louisiana. The Association of Citizens Councils articles, I did not have any personal copy, but on volume number 208012 recorded under charter number 256 in book 56, page 588, of the mortgage records and charter book 2, page 142 of the records of Claiborne Parish, Louisiana, are filed the articles of incorporation. I have removed [fol. 875] these from the public records and brought them over here in order that you might be able to make a copy of them. These are the original articles of incorporation as filed here in Claiborne Parish, and I present them to you for copying. They will have to be returned to the Clerk of Court's office. In addition on June 25, 1962, an amendment

to those articles was filed which changed the name of the Association of Citizens Councils of Louisiana to The Citizens Councils of Louisiana, Incorporated, and which amended article 2, paragraph 6 of the other articles to state that this organization has a right to coordinate and establish local chapters, et cetera. I brought that over under the same situation. Those will have to be returned to the Clerk's office today.

Q. Yes, sir.

A. He will make a copy for you at 6 bits per page. Now, you've asked for the minutes or copies thereof and all drafts and notes thereof of each Congressional District Meeting held during the period December 1, 1958, through February 28, 1959, under the sponsorship of the Louisiana Joint Legislative Committee on segregation and the State Board of Registrars. I searched through my files, and all I was able to find was the minutes of 3 of these meetings. And these are not the original minutes. These are mimeo- [fol. 876] graphed copies of minutes which were distributed to parties at interest. I feel sure that your investigators have already gotten other copies of these minutes from registrars and others who were furnished with them. But these are the minutes of the Fourth Congressional District Conference held on December 17, 1958, the minutes of the Eighth Congressional District Conference held January 15, 1959, the minutes of the Seventh Congressional District Conference held January 28, 1959. I made an especially diligent effort to find the Fifth District meeting, but either it was never furnished to me, or I have lost it. I wanted it particularly because there were some additional matters included in that, particularly testimony to the effect that 17 of the negroes who had been removed from the rolls were later discovered to have been living in California the whole time anyway and commuting to Ouachita Parish for election. It further went on to point out—whoever testified at the meeting pointed out that in Ouachita Parish the way all of these illegally registered people got on the rolls, and most of them were negroes mind you, in my opinion at least, was that the Junior Chamber of Commerce had put on a drive there sometime back and filled out the registration cards of everybody. And this was done in

complete violation of every law of the State of Louisiana in connection with registration that I have ever heard of. There were thousands of these people that were put on the [fol. 877] rolls in violation of every law. I'm sorry I don't have the Fifth District meeting, but I hope that your F.B.I. or whoever investigated was able to turn up these notes. You may have these—they're my only copy, so I want you to—

Q. You want these back?

A. I want these back, but you may make copies of them.

Q. All right.

A. You would need copies of those if you don't have them, Mr. Kron. Now, you've asked for a copy of each edition of the pamphlet "The Key To Victory In The Segregation Struggle" published by the Association of Citizens Councils. I have heretofore furnished you with two copies, one was the original, the second was the 1958 edition, and explained that the only change was in connection with—at least as far as I know—I haven't read it verbatim, but the only thing that was supposed to have been was the change of qualifications for a non-resident moving into the state of Louisiana from two years to one year. That was due to an amendment, probably sponsored by the League of Women Voters and passed by the legislature.

Q. Yes, sir.

A. Now, you've asked for copies of all correspondence between William L. Shaw—my name happens to be William M. Shaw, but I know you were alluding to me, so I did make a search of my records and have previously offered to you [fol. 878] all that I was able to find.

Q. I notice you have some other things there. What—

A. I have here matters which should be in the record, if you like. One is a printed copy of the reasons for judgment in the case of Curtis M. Thomas Versus Ray McElveen, Et Al, a case tried in the 22nd Judicial District Court of Louisiana, Parish of Washington, which dealt with one facet of this voter clean-up, and it is an excellent opinion. I think it ought to be in the record for the edification of the judges who might read this record.

Q. That's a matter of law. It's in the Louisiana—

A. No, it's not reported.
Q. It is not?

Mr. Kron: This is a district court decision.

A. That's a district court, it's not a reported decision. It's a printed opinion similar to the things that were put out by the district courts of the federal court, United States, prior to their—the federal supplement.

By Mr. Dunbaugh:

Q. Yes, sir.
A. The rest of this—of course, these are not particularly important, notices and things of that kind of the United States Court of Appeals thing which is printed.
Q. That's a report of—
[fol. 879] A. Right.

By Mr. Kron:

Q. You were about to refer to another case, Mr. Shaw?
A. What's that?
Q. You were about to refer to another case besides the McElveen-Thomas case a moment ago?
A. Which case is that?
Q. I don't know. You said "and there's another case that should be in the record." And you were interrupted at that time.
A. No, that's the Tullier case which they've already gotten—
Q. Yes, well, that's reported.
A. —reported. And let me see—do you want me to search through my files and see what else I think might be needed to complete your record?

Mr. Dunbaugh: Let's go off the record for a minute.

(Off-the-record discussion.)

By Mr. Dunbaugh:

Q. Mr. Shaw, you've provided us with copies of the minutes of 3 of the Congressional District Conferences. Did

you receive these shortly after the meetings took place?

A. To the best of my recollection what was done—I don't really know who made the—took the minutes, but whoever did had mimeographed copies made, distributed probably to everyone listed as being in attendance at those [fol. 880] meetings. You will note that is listed in the minutes there.

Q. Yes, sir. Did you read them over when you received them?

A. Probably not. I read them over last night, or night before last—Sunday night.

Q. Did they accurately represent what happened at the meetings to the best of your recollection?

A. I would say to the best of my recollection they do. You will find that each one of them fully explains to the registrars that they are not supposed to discriminate in any way because of race, color, previous condition of servitude and religion, political affiliations, and anything else of that type.

Mr. Dunbaugh: I would like these 3 marked and made a part of the record—

A. With leave to photograph and—

Mr. Dunbaugh: —with leave to photograph and return the originals—

A. —return the originals to me.

Mr. Dunbaugh: —to Mr. Shaw.

By Mr. Dunbaugh:

Q. Mr. Shaw, you testified earlier that you were the drafter of these articles of incorporation by the Association?

A. I was, yes.

Q. The purposes—the objects and purposes set forth in article 2 include, "to protect and preserve by all legal [fol. 881] means our historical southern social institutions in all their aspects."

A. It does.

Q. Suppose you examine it and tell me whether it does.

A. Yes. Also to combat this form of socialist communism that was being spread about the country from Washington.

Q. Let's talk about that first one.

A. All right.

Q. What did you mean by that?

A. I meant by that that the people in the South have been the traditional repository for Americanism as I understand it. The people in the east represent in large a hodge-podge of individuals, most of whom have no conception of the historical bases of our United States of America, and no love particularly for it. Most of them are either descendants of—I say most of them, a large number of them are either descendants of or themselves recent immigrants from totalitarian countries, countries that are used to monarchy, countries which never had a republican form of government at any time, and therefore they would naturally have very little respect for the Constitution of the United States and for historical Americanism as I understand it.

Q. Well, you are distinguishing apparently southern social institutions from other social institutions throughout the nation?

[fol. 882] A. Social institutions is a general term and it means the whole mores, the traditions, what we consider to be the whole course of our way of life.

Q. Does that include segregation of the races in public facilities?

A. It certainly does, because historically that is a constitutional right of the people of the United States and has always been considered that up until some of these people got control of the government.

Q. Does it include white political supremacy?

A. Well, now, I'll put it this way, white political supremacy is an automatic fact if you administer the laws the way they were intended to be. We were never supposed to be a pure democracy. We were supposed to be a representative democracy, which means representation of people who understand the nature and function of the government. In no state that I know of has—have we had unlimited universal suffrage. I hope we never have it. There has always

been some qualification on registration on voters; in essence, the person who votes is a representative of all the rest of the people living in that particular state or that particular country, and in turn he elects people who represent him, and who represent in turn all of the people. So, in my opinion, the way I've always felt about it is that when you follow the normal course of a representative government it will amount to the people who have intelligence, [fol. 883] primary intelligence. They will be the ones who will, if you want to call it supremacy, you can call it that; if you want to call it they would be the ones who would be naturally selected by the course of events, you may call it that.

Q. By that you mean the white people?

A. I mean the people who—by white I mean in—I would more or less distinguish against the negro—that's what you're speaking about, because there are other races who—the Chinese, some of the native Indians who have been horribly discriminated against by the federal government, who do have the basic intelligence, that the negroes, according to every unbiased test that has been made, do not possess. So I'm not—I don't mean necessarily white. I mean that it would exclude the ones who are not intelligent, and except for minor cases of overlapping, this would mean most of the negroes would be excluded.

Mr. Dunbaugh: I have no further questions.

Mr. Kron: I have no questions.

Witness excused at 12:45 P.M.

[fol. 884]

PLAINTIFF'S EXHIBIT NO. 22I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

UNITED STATES OF AMERICA, Plaintiff,

vs.

STATE OF LOUISIANA, et al., Defendants.

The deposition of BILLYE L. ADAMS, witness in the Federal Court Action, taken at the instance of defendants in the Federal Court Action, taken in his offices in Monroe, Louisiana, on the 10th day of October, 1962, commencing at 2:18 P.M.

[fol. 885] The witness, BILLYE L. ADAMS, after being duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. State your name and address, please.
A. Billye L. Adams, 314 South Grant Street, business address, Monroe, Louisiana.
Q. What is your occupation?
A. Attorney.
Q. In 1956 were you one of those who challenged the registration rolls in Ouachita Parish?
A. I was.
Q. Were you at that time an officer of the Citizens Council?
A. At that time I was President of the Citizens Council.
Q. Did the other members of the Citizens Council participate in this challenge?

A. When you say the other members, that is not correct. Some members did. The membership being fairly large, there was only a small portion that actually did the challenging.

Q. In conducting the challenges how did you go about it?

A. Mr. Dunbaugh, let me—I will be glad to explain our whole procedure to you if you'd like. I've just been talking about it here. From the outset, let me give you just a brief history. This took place approximately six months after a [fol. 886] gubernatorial election here in Louisiana. At the time of that election it was rampant within this parish, the idea of selling votes. It was obvious, and the whole parish was in an uproar about it. A group of leading citizens—I came into the picture just a little bit later after the original organization—set out to see what they could do about that, because they were selling the votes—not only selling the votes—they were voting more than once—voting several times, in fact. We set out then to clean the rolls. At about the time this group was about organized and getting ready to go, well, then some—by some way the Citizens Council entered into the picture, and the ideas were identical up to a point. And at that time, then, all efforts were consolidated towards the same purpose. We went to the registrar's office preliminarily to start, to see what was there and in the matter of investigating and seeing what the shape of the registration was. Then, having knowledge of some two or three years before of a wholesale registration, whereby they would register in the halls, and people were registering one another, and in a very loose fashion. We knew that. So we started then looking at the cards, and lots of them were not half filled out. Most of them were not filled out in the registrant's own handwriting, and some of us recognized some few people there, and knowing about their own qualifications, too, then we proceeded on a very cautious basis to [fol. 887] challenge some of those that were grossly wrong, should I say, that were something less than half filled out. Well, at the time we started, the books were closed, preceding an election or right after an election; I don't recall what the deal was. Anyhow the books were closed, but then while we were working there we had occasion to observe some more registrants. People who came in there to register lit-

erally did not know where they were. They were hauled in there by trucks, and I'll say that most of them worked for the city at that time, coming off of garbage trucks, and there would be one person back behind the background that was just herding them up there, and they were obviously being made tools. It was then that it became very apparent that we were missing the bulk of the ones that were unqualified to vote. So then we turned back and started challenging, should I say, more severely—I suppose would be the word. We challenged those that the cards were not filled out correctly, or were not completely filled out, or filled out in their own handwriting, or those—in some rare instances, the ones that we knew—as I say, we did know some of the people—that we knew that didn't have, as the expression is, "sense enough to get in out of the rain," but yet had a card filled out there perfectly by someone and evidently signed by the same person, that we started challenging some then on the basis of inability to interpret the Constitution as the [fol. 888] law requires. We went through—at the outset the principal evil at the time was that of the major colored precincts out here, and, too, there was an upcoming election. We wanted to stop it off in that election, too. The most of the white people were over in Ward 5 across the river, who were not coming up in that election, so we concentrated at the outset on these colored people, but we went right on through. After we challenged these we continued right on, and even after the election there we continued on and challenged the white. Now, our method of challenging the whites—the bulk of the whites, understand that—was a little bit different in this regard, and this regard only, it created such a problem by having us working and challenging that it became almost impossible for the registrar to handle. After the election when things quieted down a bit, the registrar volunteered that she would issue the challenges for us, the ones that we had picked to be challenged and for the reason that we challenged them. And the registrar would continue the procedure, which she did. And that accounted for the bulk of the white people.

Q. So that the people who were challenged by affidavit of these members of the Citizens Council were primarily Negroes?

A. Primarily, I suppose. You see, at that time, though, we had already had our lists and our reasons that we turned [fol. 889] over—we kept copies of the things, we turned over to the registrar to continue solely as a matter of convenience, because had she not done it we were going to.

Q. All right. Do you know whether or not the constitutional interpretation test was used here in Ouachita Parish prior to that time?

A. Prior to that time?

Q. Yes.

A. I don't believe that any test was ever used, really.

Q. Did you have to take the constitutional interpretation test when you registered?

A. I don't recall.

Q. Do you know if it has been used since that time?

A. I've not been around the registrar's office for several years, but I'm under the impression that it is being used today.

Q. Is it true that shortly after the purge in 1956 that you prepared for the registrar a test to be used?

A. Yes and no. Yes and no. I did have some copies of the Constitution, and as a matter of convenience there I did give the registrar some—some phrases of the Constitution on cards, a whole series of them by cards, for her convenience only.

Q. Did you provide her with answers to those?

A. No.

Q. Would you recognize the cards again if I showed them [fol. 890] to you?

A. I doubt it. I placed no particular significance on the cards other than just as a matter of convenience for the registrar at that time. As well as I recall it was probably about 4 by 6 cards—4 by 6 inches.

By Mr. Kron:

Q. Did you prepare those cards at her request?

A. Yes, sir.

Q. It was not your idea nor your proposal?

A. I would hate to answer that categorically, either way, but I don't believe that it was my notion to start with.

By Mr. Dunbaugh:

Q. I take it that you did encourage her to give the test?
A. Yes. Yes. Not only give the test, but encouraged her to insist upon all future registrants to be—to show their qualifications.

By Mr. Kron:

Q. Of Negroes?
A. Everyone. Everyone.

By Mr. Dunbaugh:

Q. Including those people who had been challenged?
A. Including those.

(Off-the-record discussion.)

By Mr. Dunbaugh:

Q. Let me show you these photographs, Mr. Adams. Disregard the identification notes in the photographs, please. [fol. 891] A. I couldn't with any good conscience recognize any of that. In fact if anything I would say that it wasn't my type. That's the type on my typewriter, you see, and it was then.
Q. All right.
A. I mean that the picture is not clear enough. It might be—very well be the same. It doesn't look like it, though.

Mr. Dunbaugh: No further questions.

By Mr. Kron:

Q. Mr. Adams, the purpose of this lawsuit is an attack upon the constitutionality of the constitutional interpretation test, and in the allegations of the complaint, after setting forth that our Constitution of 1921 changed a portion of the qualification tests for prospective registrants from the old grandfather's clause to an interpretation of a portion of the Constitution, the government has alleged that the purpose of adopting this test was to provide a means by which the disenfranchisement of the Negroes could be per-

petuated. Now, in all of your activities in the conduct of the clean-up of the rolls of Ouachita Parish, both as an individual before being a member of the Citizens Council, and subsequently while President of the Citizens Council, was there ever—was it ever your purpose to disenfranchise—was it ever your purpose to use this interpretation test in [fol. 892] challenging or otherwise to disenfranchise Negro applicants for voting?

A. Emphatically not. Though I realize that some people had that impression. Most of those people either being politicians who were after that segment of the vote, and by, should I say on my own side, members, not active members who—in any large membership you have some, should I say, wild eyes, and we had some of those that frankly were disappointed in what we did. But there was never the intention nor the purpose of this purge, as you call it, to challenge the Negro only as opposed to the white.

Q. All right. We'll go along down the line to that. Now, there were members of your Citizens Council who felt that way?

A. I think so.

Q. All right. And whose whole purpose in being members of the Citizens Council was to get at, as you say, that segment of the vote—the Negro vote?

A. That segment of the membership was not necessarily after the Negro vote as it was against anything to improve our situation in the civil rights field.

Q. All right.

A. And that was one of them.

Q. But as President of the Citizens Council and therefore in the active charge and administration and formation of policies of that council, did the Citizens Council, in con- [fol. 893] ducting the purge, do so with the purpose of disenfranchising Negroes and Negroes alone?

A. No.

Q. As a matter of fact, could you, by way of some reasonable estimate for purposes of this record, give us the numbers of people that were removed from the rolls in the parish, both black and white?

A. While I'm obliged to rely solely on memory, not having any records before me or any time in the recent future

I could only say that approximately one-third of the total number purged, as you say, from the rolls were Negro. By far the bulk of them were white people. And, incidentally, they were challenged for exactly the same grounds.

Q. All right. Now, it was stated by counsel for the plaintiff a little while ago, and your answer was yes to that question, that the bulk of those removed by the Citizens Council members themselves in the challenging were Negroes. Would you explain the reason why again?

A. I thought I had explained that at the outset, that in the method of challenging—actually, the Citizens Council was responsible for the challenge of all, the black and the white. However, solely as a matter of convenience, after the election—as a convenience to the registrar—and at that time only a fairly small percentage of the whites had been challenged at that point, our lists were turned over to the [fol. 894] registrar for her to actually issue the challenges.

Q. So that she performed the ministerial function from your list?

A. That's exactly true.

Q. Even though she did the ministerial work, the challenges accomplished by the registrar were on the basis of the names from a list—

A. That we provided—

Q. —furnished her by you?

A. That's right. And I will further add that we followed up to see that the ones—the list we followed—gave her were challenged, because had she not challenged them we would have.

Q. In furnishing the registrar with these cards for the purpose of using them to give the interpretation test, I think you testified that you did so to the best of your memory at her request, but were in favor of having the test administered. Was there or was there not at any time any discussions between you and the registrar that that test should be administered for the purpose of disenfranchising Negro applicants for registration?

A. These cards were given as one of the qualifications that all registrants must meet in order to register, that was administered and was intended to be administered to all registrants. Incidentally, I may add here too, that most of

the complaints from prospective registrants were from white people. The public also got the notion to some extent [fol. 895] that this was primarily a purge of the Negro voters. And they didn't feel that they should have to follow it, too. But most of the complaints were from the whites, and probably as many or more were not allowed to register for the same reason.

Mr. Kron: I have no further questions.

By Mr. Dunbaugh:

Q. How did you pick out these sections that you suggested that the registrar use?

A. The sections of the Constitution, you mean?

Q. Yes.

A. Really, rather indiscriminately, as well as I recall, other than trying to find—if you will look at our Constitution, Mr. Dunbaugh, the thing will cover the waterfront, and a large portion of it is explanatory, as to what it itself is supposed to cover, but I attempted in there in getting thoughts as concise as possible, basic provisions that were short—for instance, I discarded the notion of getting a section of the Constitution that was 8 or 10 pages long or anything of that sort.

By Mr. Kron:

Q. Am I correct when I understand you to mean that you were trying to perfect a simple test that the ordinary average man could understand and pass?

A. That is true. That is true.

[fol. 896] By Mr. Dunbaugh:

Q. Why was it again that the second phase let's call it of the purge was turned over to the registrar?

A. Mr. Dunbaugh, really you would have had to have been around and seen some of that to really appreciate what I'm saying. Just prior to the election when the purge, as you say, was going real strong—why they wanted to do it, I don't know, but for two or three days you wouldn't see a soul, and then all of a sudden there would be hundreds, and

in some cases thousands, trying to get in there all at one time.

Q. To get into the—

A. To get into the registrar's office.

Q. For what purpose?

Mr. Kron: Before the rolls closed for that election.

A. Before the rolls closed, and even after the rolls were closed, it was a matter of coming in there on affidavits to show that they did have the qualifications, and lots of them did at that time.

By Mr. Dunbaugh:

Q. These were Negroes trying to be reinstated?

A. Negroes and some whites. They were mostly Negroes. They were then doing what they should have done to start with is what our plan was—if they would come in and show that they were—could fill out a card and were qualified, we would withdraw the challenge. But they didn't believe us [fol. 897] when we said that's what it was, and didn't want to fill out a new registration card; so they came in on affidavits. But they were in there at times by the hundreds and in some instances by the thousands, and it became an impossible situation. They had newsmen and the television, and it was just about as hot a thing—I suppose we needed troops here like they did in Oxford at the time. It came nearabout riot there a time or so, and it became impossible to conduct the business of the office of the registrar; so in order to ease that load and to keep these people from coming in there just by the hundreds, well, then we said, "All right, you do it the easy way, if it's more convenient for you. You take our list and challenge them as you can." Realize this, too, Mr. Dunbaugh, that that was after the election, and there was more time.

Q. So that—

A. While I'm talking about election remember this thought, too, now, that this election we're talking about, that was in Wards 3 and 10 of the city of Monroe.

Q. Yes, sir.

A. That's the reason that most of them were colored at that time.

By Mr. Kron:

Q. That's the reason the colored were challenged first?

A. That's the reason the colored were challenged first. [fol. 898] The next part of the evil, as we saw it, was in Ward 5 over across the river. That was in the white section, but that's the reason that the whites really didn't—should I say didn't catch it until that time.

By Mr. Dunbaugh:

Q. But after it was turned over to the registrar, I take it that you didn't have the crowds again over there, thousands of people trying to be reinstated at one time?

A. For some short time, yes. For some short time. Most all of the heat, should I say, was off with the election.

Q. I take it that when she was handling the challenges, she didn't challenge them in such great numbers that she couldn't handle those—

A. Actually, she did—

Q. —who wanted to come back in—

A. Actually, she did, I believe she did. I mean, I'm straining my memory again, but I believe she challenged them just in as great a number as we did before. This greater number situation seems to be pretty bad on the face of it, Mr. Dunbaugh. It did at the time, unless you were there to see what was going on. Notice I've just said that we would issue a number of challenges, and we wouldn't see a soul for several days, and then all of a sudden they would all come in there. They would get off and have meetings or something or another. They were getting all sort of notions and advice, I suppose—not believing us, they wanted to conduct their [fol. 899] own campaign, I guess.

Q. Do you recall about how many people you challenged?

A. Frankly, I don't. I imagine we must have challenged —we, I'm talking about directly and indirectly, probably about 12 or 14 thousand.

Q. I meant directly how many did you challenge?

A. We challenged directly about 4,500 or 5,000, I suppose.

Q. Within what span of time were those challenges sent out?

A. I think it must have been about 6 or 8 weeks, Mr. Dunbaugh, as well as I recall. That figure was not too important to us for this reason, as soon as we started sending out challenges, I suppose that about half the ones we sent out came back, moved, deceased and that sort of thing.

Q. I believe you said that the registrar challenged in great numbers after you had stopped challenging?

A. Well—

Q. Did she challenge in such great numbers that there were ever a thousand people over there again after that time?

A. There was no reason for it. There was no reason for it—that they should have come in in great numbers the first time either. Had the people come in in the normal course of events upon receiving their challenges to start with they could easily have been handled. It was because they wouldn't come in for several days and then come in groups that caused the trouble.

[fol. 900] Mr. Dunbaugh: I have nothing further.

By Mr. Kron:

Q. Did you have any information, Mr. Adams, or of your own knowledge that these splurges—these people coming back in groups after two or three days of quiet and calm were the result of organized effort to maintain their position on the rolls?

A. Do I have any—

Q. Do you have any direct knowledge of that fact?

A. Any personal knowledge or personal observation? No. Though it was common knowledge, should I say, as to what was going on. It was on television. Jimmy Noe, the owner of the station out here, was being their champion at that time. They were conducting meetings out at the Carroll High School, and they had people giving them all sorts of advice. I didn't attend any of those; hence, my—

Q. You knew those meetings were held—

A. Oh, certainly.

Q. —as a fact?

A. Oh, certainly.

Q. And it would be after those meetings that this splurge of people—

A. That's true.

Q. —would come into the registrar's office?

A. That's true.

[fol. 901] By Mr. Dunbaugh:

Q. When all of these people were coming into the registrar's office, where were you?

A. Well, prior to the election I was in the registrar's office, either there or in the police jury room, right next to it.

Q. What were you doing in the registrar's office?

A. I was working. I was still challenging and compiling lists and was going on through. We were not actually through with compiling the lists of the whites, Mr. Dunbaugh, until some few days after the election.

Q. Did Mrs. Lucky, the registrar, seek your advice during this time?

A. Well, it's a broad question. In both regards, what would be considered advice, or what did she ask me. Certainly, it was understood by she and I and all of us that we were there for the purpose of challenging anyone that had illegally registered, and would do so again. And if someone were illegally registered in our presence, that we would challenge them again. That was fairly well understood, but so far as seeking my advice, I couldn't conscientiously say yes.

Q. Do you recall if she ever showed you anyone's application form who was applying then, or reapplying at that time?

A. Oh, no, not at—you mean while she was in the process of registering some, did she turn to me, for instance, and ask—

[fol. 902] Q. That's right.

A. Oh, no.

Q. Do you recall whether or not she forwarded any letters to you that she received from some of those people?

A. Any letters from any of the registrants?

Q. That's right.

A. There would be no reason for it, so—

Q. Do you recall that she did not, or you just do not recall whether she did?

A. No, I said there would be no reason for it. However, accordingly, she did not forward me any letters that she received from any of her voters or registrants or applicants.

Q. Did she receive any legal advice from anyone during this time?

A. I'm sure she did, Mr. Dunbaugh. I imagine she got—well, I'm confident she got some from the Attorney General's office. As a matter of fact, I know she called the Attorney General's office a couple of times.

Q. Do you know who came up from the Attorney General's office to advise her?

A. Well, at one time right in the heat of the thing it was—Bill Shaw was a special attorney general who came up.

Q. Was he in the office during this time?

A. He was there one afternoon, when he came up to attempt to explain—he came up here, incidentally, at the [fol. 903] behest and demand, so to speak, of Jimmy Noe, and Jimmy Noe, and no telling how many hundreds or maybe thousands of people were in there trying to get an interpretation of what was going on. Shaw attempted to even explain it to him, but there again we come nearabout to the riot stage.

Mr. Dunbaugh: No further questions.

Witness excused at 2:58 P.M.

[fol. 904]

PLAINTIFF'S EXHIBIT No. 23A

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

NEW ORLEANS DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

THE STATE OF LOUISIANA, et al., Defendants.

Deposition of EDDIE R. HEARD, taken at the instance of and on behalf of Plaintiff; on 1-21-63 in Minden, Louisiana.

[fol. 905] STIPULATION

It is stipulated by and between Counsel for Plaintiff and Counsel for Defendants that all formalities in connection with the taking of this deposition are waived except the swearing of the witness, including the signature of the witness.

Counsel, however, reserves the right to object to the relevancy or materiality of any question or answer in this deposition at the time that the deposition is sought to be introduced in evidence during the trial of the above entitled action.

EDDIE R. HEARD, witness called at the instance of and on behalf of Plaintiff in the above captioned matter; first duly sworn, did depose and say, to-wit:

Direct examination.

By Mr. Ross:

Q. Would you state your name?
A. My name is Eddie R. Heard.

Q. Are you a negro?
A. I am.
Q. Where do you live?
A. 114 Abney Street, Minden.
Q. Is that in Webster Parish, Louisiana?
A. Yes, it is.
Q. How long have you lived in Webster Parish?
A. Since 1947.
[fol. 906] Q. Do you own your own home?
A. I do.
Q. How long have you owned your home?
A. About five years.
Q. Where were you born?
A. Claiborne Parish, Homer.
Q. When?
A. December 22, 1918.
Q. How much education have you had?
A. Finished high school, finished college, finished graduate school; had medical technician training in the Service.
Q. Where did you go to college?
A. Leland College, Baker, Louisiana.
Q. And what graduate work have you done?
A. Bishop College, Marshall, Texas.
Q. And what degree?
A. M. A. Degree.
Q. What sort of work do you do now?
A. Teach; Principal.
Q. You are a Principal; where?
A. G. L. Jones Elementary School, Minden, Louisiana.
Q. How long have you been Principal?
A. Since 1955.
Q. Were you in the Army?
A. Yes, I was, 3½ years.
[fol. 907] Q. Where?
A. In the Pacific Theater of Operations.
Q. Honorably discharged?
A. Honorable discharge.
Q. When was the first time you tried to register to vote in Webster Parish?
A. In the registration period between 1949 and '53.
Q. And you became registered?

A. I did.

Q. When was the next time?

A. 1953-1956 I became registered.

Q. And you became registered then?

A. Yes.

Q. And then when was the next time you tried to register?

A. The next time I tried to register was in '57, I believe.

Q. What happened then?

A. Well, I went into the Registrar's office and told her I was there to register, and she asked me if I had registered before; and I told her I had, and she looked on the record, I guess, and checked, and then she gave me the constitution to read. I started reading it and—

Q. How did she give it to you, was it in a book?

A. I believe it was in the book; I know it wasn't a single sheet of paper.

Q. Did she pick it out for you, or did you select one?

[fol. 908] A. She picked it out for me and asked me to read it, and I started reading it; and she said, "Read it silently," and I read it silently.

Then she asked me what was my interpretation of it, and I gave her my interpretation of it; and she told me that wasn't quite it, to try again; and I tried again, and she said, "That's not it," and that was all and I left.

Q. Do you remember what section that was?

A. I am not absolutely certain of the section, but I do know that it deals with taxation authorization in New Orleans, which I wasn't familiar with; because the Constitution of Louisiana is very very complex, and being up here in Minden I had no knowledge of the mills and so forth down in New Orleans at that particular time.

Q. You did try to explain it, though?

A. I did try to explain it.

Q. Would you look through here and see if you can find around where it was?

A. Yes. To the best of my knowledge, this seems to be the one.

Q. Well, would you identify that?

A. Section-24.2.

Q. Of what article?

A. Article 14.

Q. Have you tried to register again since then?

A. I went back once after then, and at that particular [fol. 909] time the person in the office said that she wasn't registering at that time.

Q. Was it the Registrar, or was it somebody else?

A. It was someone else, it wasn't Mrs. Clements.

Q. And you haven't been back since then?

A. I haven't been back since then.

Mr. Ross: I have no further questions.

Cross examination.

By Mr. Kron:

Q. When you say you have not been back since then, you mean not even again during this new registration?

A. I haven't been back during this—

Q. At all?

A. At all.

Q. And you're not personally registered?

A. I'm not.

Q. Are you familiar with the fact that registration procedures have been changed?

A. I am.

Q. Could you in brief tell me what you understood those new registration procedures to be?

A. Well, I understand that in the new registration procedures that you are to fill out cards—I believe it's ten cards you have to fill out—and make an affidavit; probably write some portion of the preamble to the constitution.

[fol. 910] Q. Anything involving the application or the giving of the test of any kind?

A. Well, the mere fact that you have to select the answers to the questions constitutes a test.

Q. That's what you meant by the ten cards?

A. That's right.

Q. You're not referring to the application card, as such?

A. No sir.

Q. All right. So that the ten cards you referred to are a selection of 1 of 10 tests?

A. That's right, sir.

Q. And you understand that those tests are objective, and that they are in writing; and that a selection of a proper answer out of a multiple choice is the procedure?

A. I am familiar with that.

Q. All right. Do you understand that this is a test of the understanding of the citizen who applies for registration, in understanding the obligations of citizenship?

A. I do understand that this is—

Q. Do you feel you could pass such a test?

A. I'm almost certain that I can.

Q. Do you understand that that test, under the new procedure, is to be given to everyone, regardless of race, color or creed?

A. That's what I have read in the papers, and have heard too.

[fol. 911] Q. All right. Therefore, having read that, that is your understanding of it?

A. That is my understanding.

Q. All right. Now, why, then, have you not been back?

A. Well, the reason why I haven't been back is I just haven't been back under this new procedure. I plan to go back; I just haven't been back; I mean, it's not any reason for it, I just haven't been back.

Q. In having been turned down—let's not say failed, but in having been turned down in 1957; I think, from the trend of your testimony, it's admitted that you didn't understand that particular section of the constitution?

A. Well, as far as the Registrar was concerned.

Q. Didn't you say you were not familiar with the methods of taxation in the southern part of the state, in New Orleans?

A. Well, I did, but—

Q. Would you say, then from that, that your explanation of it was not proper?

A. No sir.

Q. You think it was correct?

A. I think what I gave her was correct, to the best of my interpretation.

Q. I see—but, then, you're not sure of that; I mean, you're not familiar with that taxing procedure in New Orleans, as you testified; you're not sure of that?

[fol. 912] A. I'm not familiar with the methods of taxation and all of the procedures that go on in New Orleans; but after reading that portion of the constitution as it was handed to me, I feel that my interpretation was as good as anybody could give it.

Q. All right. And you do plan to go and try again?

A. I do.

Q. Under this new test?

A. I do.

Q. And you feel you will be able to pass it. Now, the new test being in writing and being a permanent record to be kept, under the direction of the law, in the Registrar's office; then you would know with certainty whether you passed the new test, or didn't pass it?

A. That's true.

Q. You can see nothing wrong in that, can you?

A. Well, just basically—I mean, I would not like to commit myself, because—

Q. As long as this test is to be given to everyone, then you can find nothing wrong in that procedure, can you?

A. As far as I know now, I can't.

Q. The new registration period began when?

A. Well, the new registration period began in '61 I believe.

Q. In January of 1961?

A. Yes.

Q. And you have not been back during this two years?

[fol. 912a] A. I have not been.

Mr. Kron: All right. That's all.

Mr. Ross: No further questions. Thank you, Mr. Heard.

Witness excused.

[fol. 913]

PLAINTIFF'S EXHIBIT No. 23B

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

THE STATE OF LOUISIANA, et al., Defendants.

DEPOSITION OF EDDIE V. MORGAN, taken at the instance of and behalf of Plaintiff; January 21, 1963 in Minden, Louisiana.

[fol. 914]

STIPULATION

It is stipulated by and between Counsel for the Plaintiff and Counsel for Defendants that all formalities in connection with the taking of this deposition are waived except the swearing of the witness, including the signature of the witness.

Counsel, however, reserve the right to object to the relevancy or materiality of any question or answer in this deposition at the time that the deposition is sought to be introduced in evidence during the trial of the above entitled action.

EDDIE V. MORGAN, witness called on direct examination at the behest of and on behalf of Plaintiff herein; first duly sworn, did depose and say, to-wit:

Direct examination.

By Mr. Ross:

Q. What is your name?
A. Eddie V. Morgan.

Q. Are you a negro?
A. Yes sir.
Q. Where do you live?
A. 309 Joel Street, Minden, Louisiana.
Q. Is that in Webster Parish?
A. That's right, Webster Parish.
Q. How long have you lived in Webster Parish?
A. All of my life.
[fol. 915] Q. Do you own your own home?
A. I do.
Q. How long have you owned it?
A. I bought it in 1943—no, '42, that's right.
Q. Where were you born?
A. Born at Dubberly, Louisiana.
Q. When were you born?
A. April 5, 1905.
Q. How much schooling do you have?
A. Finished high school, and I took a teachers training course, and then took an extension course at Grambling, Louisiana.
Q. What sort of work do you do now?
A. I'm an insurance salesman.
Q. How long have you been doing that?
A. I've been in the insurance business since 1936.
Q. Are you married?
A. Yes.
Q. Have you any children.
A. No sir, no children.
Q. Were you ever in the Service?
A. I went in the Service in 1942.
Q. Where?

The Witness: What theater?
Mr. Ross: Yes.

A. European Theater of Operations.
[fol. 916] Q. Honorable discharge?
A. Honorable discharge, yes sir.
Q. Did you ever try to register in Webster Parish?
A. I did.
Q. When was the first time?

A. The first time was in 1945.

Q. And when was the next time?

A. Well, see, they have periodic registration, and I registered every four years up until 1958.

Q. Until 1958?

A. Yes sir.

Q. And what happened then?

A. That's when I had trouble trying to.

Q. Was that when you went to the Registrar's office?

A. That's right.

Q. And would you tell me what happened there?

A. I walked in there and told her I came to register; she asked, "What's your name?" I told her, and she reached under the counter and got a page torn from the Louisiana Constitution, and she told me to read that and interpret it.

So, I read it, and the first few words I said she stopped me; she said, "You're wrong, read it again." I read it the second time and she said the same thing, "Read it again." Well, the third time I used the same procedure, and after I read it she said, "You're wrong."

[fol. 917] So, I made an attempt to copy this title, but she snatched it off of the counter and said, "You'll never see this again when you come back here." So, I went home and got my constitution—I had one there—and I found that same topic what she told me to read.

Q. When she told you to stop, were you reading this section to her, or were you trying to interpret it?

A. I was interpreting it to my understanding, my best understanding.

Q. Now, if I asked you to identify that section from the Louisiana Constitution, could you?

A. I could.

Q. Would you look in here and see if you can find it?

A. Yes. Here it is; "Revenue & Taxation."

Q. Would you identify this article and section?

A. The article is Article-10. That's what you want?

Q. Yes. Now, what is the section?

A. Section-1.

Q. How far down did you have to read?

A. Well, I read the whole article, down to the bottom of the page; and when I started interpreting it, I said; "Taxa-

tion; the power of taxation is vested in the State Legislature." She said, "That's not it, read it again."

Q. She stopped you right there?

A. She stopped me there.

[fol. 918] Q. Well, was it a whole page that you read?

A. Just a page torn from the book, this page right here.

Q. Did the article start at the top of the page and go all the way down to the bottom, the part that you read?

A. Well, she had it marked off right at "Revenue & Taxation", that's where she had it marked off.

Q. Well, about how many lines of the page was it that you read?

A. I read down to the bottom of the page and I stopped.

Q. Did it start at the top of the page?

A. No sir, not at the top.

Q. About the middle, or where did it?

A. Just the same as this.

Q. About two-thirds of the page?

A. Something like that.

Q. Well, did you leave after that?

A. I left; she told me to go home and study. So, I knew I had a constitution at home, and I went home and got it and I found that same topic.

Q. Have you been back—?

A. I haven't been back any more, not to try to register.

Q. Now, I want to get the time straightened out. When was this last time that you—in what period was it?

A. January 2, 1958.

Q. 1958?

A. 1958.

[fol. 919] Q. That was in the old period, and the new registration period started in 1961?

A. Well, see, everybody was wiped off in 1957, automatically off. Well, January 2nd everybody would have to register over again, and January the 2nd I was here to register, about 11:30 that morning.

Q. And that was in 1957?

A. 1958.

Q. 1958?

A. That's right.

Q. And that period ended in 1960?

A. 1960.

Q. And in 1961 and on, you haven't tried, is that right? Did you try in 1961?

A. In 1960 is when I tried again.

Q. In this most current period, or during the last preceding period?

A. 1960 is when—that's when I was turned down.

Q. Well, let's get this straight, now. What I want to find out is whether it was in the current registration period, after the books were last cleaned off?

A. That's right, after everybody was off. See, we had to reregister in 1960; that's when I went back to register again.

Q. Now, on these dates again—

A. Yes sir, I think we got crossed up on those dates.

[fol. 920] Q. Yes, let's get the record straight on these dates; just take your time. Now—

A. OK, we'll get it straight this time. I went in to register in 1960, see; that's when the—in 1957 I didn't have any trouble, in 1960 is when I had the trouble.

Q. Did you pass in the 1957 and '60 period?

A. That's right.

Q. And then when the books were cleaned, I believe that it was January, 1961, when the new period began?

A. That's right, 1961.

Q. When the new period began?

A. Yes sir.

Q. And that was the time you were turned down?

A. That was the time.

Q. The time that you've described?

A. The time I was turned down, that was the time I described, yes sir, on that topic that you had.

Mr. Ross: I believe that's all.

Cross examination.

By Mr. Kron:

Q. In 1957, which was the beginning of a new registration period at that time, you did register?

A. I registered that time.

Q. And when you registered that time, did the Registrar give you the constitution to interpret?

A. She did.

[fol. 921] Q. And that was in 1957?

A. That was in 1957.

Q. Now, in 1957 do you recall which section of the constitution she asked you to interpret?

A. In 1957; I don't recall in 1957, but anyway she gave me one.

Q. Was it Article-10, Section-1, "Revenue & Taxation" in 1957?

A. No sir; it was not Article-10 in 1957, no sir.

Q. All right. So, Article-10 was in 1960—?

A. 1960.

Q. —when she refused to register you—?

A. That's right.

Q. —alleging or claiming that you didn't properly interpret Article-10, Section-1, of the Louisiana Constitution?

A. That's right.

Q. Now, in 1957 you were given a section of the constitution?

A. I was given a section in 1957.

Q. And you interpreted that?

A. I did.

Q. And she accepted that interpretation and put you on the rolls?

A. That's right.

Q. All right. In 1960, after having been refused, I understood you to say she suggested that you go study and come back. Did you come back and try again?

A. No sir, I didn't come back.

Q. Now, actually I mean 1961?

[fol. 922] A. That's right, 1961.

Q. All right. You have not been back since that time?

A. No sir.

Q. Why not?

A. My reason for not going back; I knew I was right in the first place, and if she turned me down then, I didn't see any use of going back.

Q. You were sure you were right in your interpretation in January, 1961?

A. Yes sir, because of the fact that it was self-explanatory.

Q. But the Registrar told you that you were not right; is that so?

A. She said, "That's not it, read it again"; that's what she said.

Q. Read it again?

A. Yes sir.

Q. Do you know whether she turned you down because of the improper reading of it, or because of your interpretation of it?

A. It must have been because of the interpretation, because I read it silently; she couldn't say it was because of improper reading.

Q. You read it to yourself?

A. That's right.

Q. And then you began to explain to her what you thought it meant?

[fol. 923] A. Yes sir.

Q. And she said that was not correct?

A. That's right.

Q. All right. Now, in 1953, when you registered before, were you required to take an interpretation test?

A. No sir.

Q. Or at any time prior to 1957—?

A. No sir.

Q. —beginning in 1945, were you required to take it?

A. No sir.

Q. But you did take it in 1957?

A. In 1957.

Q. And you were accepted and passed?

A. That's right.

Q. Was it the same Registrar both times?

A. Same Registrar.

Q. Same person?

A. Same person.

Q. Do you know who that was?

A. On my certificate it said, "Mrs. Winnice P. Clements".

Q. Well, do you know that the person who gave you the test was Mrs. Clements?

A. That's right.

Q. It really doesn't matter, but do you know that of your own knowledge?

[fol. 924] A. Yes sir.
Q. You do know it was Mrs. Clements?
A. Yes sir.
Q. Were you alone at the time?

The Witness: At the time of—?
Mr. Kron: 1961.

A. Yes sir, I was alone.
Q. You were alone. Was there anyone else in the office?
A. No one in the office then.

Mr. Kron: No further questions.
Mr. Ross: That's all. Thank you, Mr. Morgan.

Witness excused.

[fol. 925]

PLAINTIFF'S EXHIBIT No. 23C

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

NEW ORLEANS DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

THE STATE OF LOUISIANA, et al., Defendants.

DEPOSITION OF MRS. T. ELLA REAVES, taken at the behest of and on behalf of Plaintiff; on January 21, 1963, in the Webster Parish Courthouse, Minden, Louisiana.

[fol. 926] STIPULATION

It is stipulated by and between Counsel for the Plaintiff and Counsel for Defendants that all formalities in connection with the taking of this deposition are waived except

the swearing of the witness, including the signature of the witness.

Counsel, however, reserving the right to object to the relevancy and materiality of any question or answer in this deposition at the time that the deposition is sought to be introduced in evidence during the trial of the above entitled action.

MRS. T. ELLA REAVES, witness called on direct examination at the instance of and on behalf of the Plaintiff herein; first duly sworn, did depose and say, to-wit:

Direct examination.

By Mr. Ross:

Q. Would you tell us your name?
A. I am Mrs. T. Ella Reaves.
Q. Are you a negro?
A. I am.
Q. Where do you live?
A. I live at 416 Frazier, Minden, Louisiana; Webster Parish.
Q. How long have you lived in Webster Parish?
A. I've been in Webster all of my life.
Q. Do you own your own home?
A. I do.
[fol. 927] Q. How long have you owned it?
A. I've owned it since 1943, about 20 years maybe.
Q. You were born in Webster Parish?
A. I was born in Dubberly, Louisiana, in Webster Parish.
Q. And when were you born?
A. In 1908, October 11th.
Q. Are you married?
A. I am a widow, I've been married.
Q. How many children do you have?
A. I have two sons.
Q. How much education have you had?
A. I finished Webster High School, and I took one extra course in teacher-training; I got a BS Degree from Grambling College. I've done graduate work at Boulder, Colorado.

Q. What sort of work do you do?

A. I teach elementary education, third grade.

Q. How long have you been teaching?

A. I've been teaching approximately—about thirty years.

Q. Elementary school all that time?

A. I taught the first through seven grades for 19 years, then I came to Minden School and I taught the eighth grade one year; then two years in the first grade, then I was moved to the third grade, which I'm teaching.

Q. Did you ever try to register in Webster Parish to vote?

A. I did.

[fol. 928] Q. When was the first time?

A. The first time was back in the '40's. I don't recall the date, but it should have been around 1943, somewhere in there.

Q. And you became registered?

A. I did, I became a registered voter.

Q. And how long were you a registered voter?

A. I had done that some 2 or 3 times successfully, and I think '54 ended the period of my registration, I think the books were—

Q. Now, that I think would have been '52 or '53?

A. Well, '52 or somewhere right along there, or '53; it was right in there.

Q. And what happened the next time you went up to register?

A. It was around '56, I believe, when I went back, or '57 one, that I tried again. That was after they came to this new courthouse, I believe it was, for the first time I've ever been turned down; and I came to register and went in the office, and I was handed a card to fill as usual, and that was the only thing I had ever done, was to fill the card. I filled the card, and after filling the card, she reached underneath and pulled a leaf from the constitution and—

Q. This was torn out of the book?

A. It was torn out of the book—and she asked me to read it. So, I read it silently, not knowing that she was going to take it and ask me to interpret it, but she did. She gave [fol. 929] me about as much time as she thought it took for a person to read it, and she reached and pulled it off, and said: "Now, what did you read?"

So, I tried to recall some of the things that were on this; it was on the grand and petit juries. I began to tell her what I gathered from it; I found that there were to be 12 jurors on the—the constitution provides for 12 jurors to be on the courts; and then there was another kind of jury—

Q. Then, did you tell her this?

A. I did.

Q. And what did she say?

A. She said that wasn't enough, and I said; "I beg your pardon?" She said, "That's not enough, go and come again." So, I thanked her, and smiled and left out.

Q. Could you identify the section that you had to read?

A. I think I can.

Q. Would you look through here and see if you can find it anywhere in here?

A. Yes. Article-7 in Section-14, I believe that is the one.

Q. Did you have to read the whole section?

A. Seems to me like I started to reading down here with it says, "All cases—", and then read down to the end.

Q. And then you left?

A. I smiled and—

Q. And then you left?

[fol. 930] A. That's right.

Q. And have you been back since then?

A. I have.

Q. When?

A. I became a registered voter in '61; January.

Q. When you became registered in 1961, did you have to interpret the constitution?

A. I did. I don't recall the one that she gave me first—I had to read two sections—and she said that was not enough; and I asked her then, "Please, may I have another chance, inasmuch as I am a working lady and my time is very limited?" So, she said, "It won't be the same one." I told her that was quite all right, just to give me another chance. So, she pulled another leaf and I read it, and that was on taxation, and she accepted it.

Mr. Ross: No further questions.

Cross examination.

By Mr. Kron:

Q. Had you come back between 1957 and 1961?

A. I did.

Q. How many times?

A. I came back, oh, half-a-dozen times maybe, but I never did get on the inside again.

Q. Never got on the inside?

[fol. 931] A. Never did, I would get up to the door and they would say, "Time is out."

Q. This is because there was a line?

A. Had a line. Well, the one time it was just maybe 2 or 3 of us on the outside.

Q. You were never actually refused during that period?

A. No, I never did, I just didn't get back inside; by the time it would get to me, the time would be out every time, and I never did get on the inside again.

Q. You're presently registered to vote?

A. I am.

Q. And you have voted during these last few elections since 1961?

A. I haven't.

Q. There have been no elections?

A. There have been one or two locally, but I haven't registered, I haven't been.

Q. You haven't voted?

A. No, I haven't voted, I'm sorry.

Q. I see. I don't know that it's important, but it is interesting; why not?

A. Somehow I'd be caught off in meetings, and it just was at the wrong time it seemed like, I never did get around to going; working late, every time it looked like I would be caught off with something else and just didn't have time to [fol. 932] get there before the polls closed, and that was the only reason.

Q. How many elections has there been since 1961?

A. Well, they've had one I know.

Q. What was it about?

A. On the school board office.

Q. School board, huh?

A. That's right. Seems there was another, but I don't recall right now.

Q. Any other local officials?

A. Well, my memory don't pick it up right now.

Q. Federal officials?

A. It must have been local, now.

Q. Was there an election this past fall for the United States Senator and your Congressman from this district?

A. It was.

Q. Did you vote in that election?

A. No, I didn't.

Q. What day was that election on?

A. I don't recall it, I really don't recall that day.

Q. Would it refresh your memory if I suggested it was on a Saturday?

A. I don't know.

Q. Do you teach school on Saturday?

A. I don't.

[fol. 933] Q. That's your holiday, that's your day off?

A. That's the only—my only day off.

Q. I see. Your meetings on that day lasted all of the day?

A. Well, it might not have been a meeting on a Saturday, but I probably was involved in something else that—

Q. More important than voting?

A. That's right.

Q. I see. When is the last time you did vote?

A. Oh, back in '54 I believe, back there somewhere when the—it has been quite some time.

Q. Actually, then, in '54, that must have been about 3 years before you were refused a reregistration?

A. That's right, sir, somewhere in there.

Q. Were there any elections during that 3 year period between 1954 and 1957?

A. I wasn't a registered voter in '57, that's the time they—

Q. Well, were there any elections between '54 and '56?

A. I was trying to think, it was a President that I voted for then, and I was trying to think who that was. It must

have been Eisenhower, but I—I don't think I voted; I didn't.

Q. Since 1961, then, there has been, to your memory, an election for United States Senator and Congressman; there has been another election for a school board member?

A. That's right.

Q. Has there been any bond issue election, tax election?

A. Not in my area that I can recall.

[fol. 934] Q. I see—but to your personal knowledge, at least two elections?

A. That's right.

Q. Involving the election of a school board member, and you're a school teacher?

A. That's right.

Q. And your United States Senator and your Congressman?

A. That's right.

Q. And you did not vote?

A. No, I didn't.

Q. You had other more important things to do?

A. That's right.

Mr. Kron: All right. That's all.

Mr. Ross: That's all, Mrs. Reaves.

Witness excused.

[fol. 935]

PLAINTIFF'S EXHIBIT No. 23D

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

NEW ORLEANS DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

THE STATE OF LOUISIANA, et al., Defendants.

Deposition of DR. CLYDE W. SIMS, taken at the instance of and on behalf of Plaintiff; January 21, 1963, in Minden, Louisiana.

[fol. 936] STIPULATION

It is stipulated by and between Counsel for Plaintiff and Counsel for Defendants that all formalities in connection with the taking of this deposition are waived except the swearing of the witness, including the signature of the witness. Counsel, however, reserves the right to object to the relevancy or materiality of any question or answer in this deposition at the time that the deposition is sought to be introduced in evidence during the trial of the above entitled action.

DR. CLYDE W. SIMS, witness called on direct examination at the instance of and on behalf of the Plaintiff; first duly sworn, did depose and say, to-wit:

Direct examination.

By Mr. Ross:

Q. What is your name?
A. Dr. Clyde Ware Sims.

Q. Are you a negro?
A. That's right.
Q. Where do you live?
A. 114 Talton Street, Minden, Louisiana.
Q. Is that in Webster Parish?
A. Webster Parish.
Q. How long have you lived in this parish?
A. Since 1948.
[fol. 937] Q. Do you own your own home?
A. I do.
Q. How long?
A. Since 1943, approximately 20 years.
Q. Where were you born?
A. I was born in Shreveport, Louisiana, in Caddo Parish.
Q. When?
A. July 10, 1903.
Q. How much education have you had?
A. Well, I finished Central High School in Shreveport, Louisiana, then I went to Wilberforce University, Wilberforce, Ohio, and received my Bachelor of Science Degree. After leaving there I went to Meharry Medical College in 1928, and in 1932 I received my Doctor of Dental Surgery Degree from Meharry Medical College.
Q. And you're a dentist now, is that correct?
A. I am a dentist now.
Q. And you've been a dentist ever since you got out of college?
A. That's right.
Q. Were you in the Service at all?
A. I was not.
Q. When was the first time you tried to register in Webster Parish?
A. Well, I registered in 1950.
Q. Did you ever have any trouble registering after that?
[fol. 938] A. And then I registered again in 1954, and in 1957 I had trouble.
Q. What happened then?
A. Well, when I went into the office, Mrs. Clements gave me a book—it was a ragged book—and told me to read a passage which I guess started about midway of the page, and told me to read it, and I read it over twice.

Q. To yourself?

A. That's right. Then she took the book and told me to interpret it; and I told her that in order to interpret it like it should be, I should read the preceding of that. She said, "Well, you can come back; do you want to come back?"—and I told her, I said: "Now, I have registered before." She said, "Well, you can come back;" said, "Come back;" and I left.

Q. Did you go back?

A. Well, I went back in 1960, and—

Q. Was this still in the old period or the new period?

A. In the old period—and she gave me something to read and told me to explain it, and I explained it, and I passed the test then.

Q. The time that you were turned down, do you remember what that was about, what you had to read?

A. I really don't.

Q. And you are a registered voter now?

A. I am not registered now.

[fol. 939] Q. Oh, you are not.

A. No.

Mr. Ross: I have no further questions.

Cross examination.

By Mr. Kron:

Q. Why are you not registered now, Doctor?

A. I haven't been back to.

Q. Have not been back since the new registration began?

A. That's right.

Q. Of your own knowledge, do you know whether there were any whites being refused registration because of failure to properly interpret the constitution during that same period, between 195—

The Witness: Do I know of any?

Mr. Kron: Yes sir.

A. I do not.

Q. Of your own knowledge, you do not?

A. I do not, that's right.

Q. But you would not say that there were not other people, including whites, who were being refused registration during the period 1957 to 1960?

A. You said that I was not saying it?

Q. You could not say—

A. Could not say?

Q. —that there were not others, including whites, who [fols. 940-4] were being refused registration for the same reason, during 1957 to 1960?

The Witness: What are you saying, now?

Mr. Ross: Excuse me. I don't see how he could say whether they were or not; he said he didn't know of any, and that I think takes care of it.

Mr. Kron: Do you want this on the record, this argument about it?

Mr. Ross: Yes.

Mr. Kron: Well, I simply take the view that we are being left with the presumption here that this was a pattern which applied only to negroes; and no effort or no questions have been asked with respect to any others, and I simply wanted to know from this witness—his testimony leaves the impression that it was a pattern, and I was just wondering if he knew both sides of the pattern, that's all.

Mr. Dunbaugh: Well, Mr. Kron, I think the record will show that we noticed the deposition of the Registrar in Shreveport some months back and she refused to testify; she could have testified then in reference to this.

[fol. 945] Mr. Kron: Very true, but by the same token, being on cross examination I simply asked this witness if he knew of any others besides himself—

Mr. Ross: He said he didn't.

By Mr. Kron:

Q. Well, that's all right. You don't know of any other persons, negro or white, who were turned down because of this?

A. Well, now I would have had to be in the office to really tell whether they were turned down or not.

Q. So, you actually don't know of anyone, other than yourself—

A. I could hear of some that were turned down, that said they were turned down, but now I wouldn't know unless I was in the office and saw them turned down.

Q. That's correct—but the ones you heard of were only the negroes involved?

A. What's that?

Q. The ones you heard about were only the negroes involved?

A. That's right.

Q. OK. You heard of no white person having been turned down?

A. I have not.

Q. All right. Why haven't you registered since '61?

A. I haven't been in because I had trouble before, and it's embarrassing to go in, feeling that you're qualified and all, and are turned down; it's really embarrassing.

[fol. 946] Q. Would you happen to know that there is now in existence a new type of objective standard test being given?

A. I do.

Q. Do you feel you would be qualified to pass that test?

A. That's right.

Q. Do you know that that test is in writing, and that a record of that test is being kept in the Registrar's office, under the law?

The Witness: Of that test is kept in the office?

Mr. Kron: Yes sir.

A. That's right, I heard that they had a new test in the office.

Q. And you have not made application with that new type of test?

A. I have not.

Q. All right. Do you also understand that in this new procedure, that that test is being given indiscriminately to each and every person, regardless of color, who comes into the Registrar's office?

The Witness: You say, do I know that it is?

Mr. Kron: Yes.

A. I do not.

Q. In the publicity involving this new test, did you understand from that, that this test was to be given to everyone?

The Witness: That it was to be given to everyone?

Mr. Kron: Yes.

A. I heard that they had a new test. Now, I don't know [fol. 947] whether they're going to give it to everyone or what, but they have a new test.

(Reporter's Note: This witness excused at this point, and later recalled for further cross examination by Counsel for Defendants, to-wit:)

By Mr. Kron:

Q. Dr. Sims, when you were on the stand before, I neglected to ask you; in 1957, when you first had trouble, actually when you were denied registration; did you actually give an attempted interpretation of the section that was handed to you?

A. I did not.

Q. So that actually you were not refused for failing to properly interpret the section, were you?

A. I told her why that I couldn't interpret it.

Q. Good, tell me why, please?

A. Because I would have had to read what preceded that in order to interpret what I read.

Q. But you did not actually attempt an interpretation of what you read?

A. I did not.

Q. All right. You refused to make that attempt?

A. That's right.

Q. And you voluntarily walked out of the Registrar's office?

A. She told me to—

Q. To come back?

[fol. 948] A. That I could come back, to come back, and I did.

Mr. Kron: All right; that's all.

Redirect examination.

By Mr. Ross:

Q. I would like to ask you one thing. Did she allow you to read the preceding part?

A. No, she just told me to come back. She had the book then, and she just said, "You can come back."

Mr. Kron: May I see the book please? Did the Doctor identify the section?

Mr. Ross: I don't believe.

Recross examination.

By Mr. Kron:

Q. What was that section, do you recall what section that was?

A. I really don't. After I read it and—

Q. Do you think you could identify that section in here?

A. No, I wouldn't attempt to; but after reading it and then mentioning—

Q. You don't remember anything about the content or the subject matter of the section?

A. At this time I really don't.

Q. Whether it was taxation—

A. I really don't.

Q. —or legislative action?

A. No, I really don't.

[fol. 949] Q. You don't know?

A. That's right.

Q. But you actually didn't give an attempted interpretation?

A. I did not.

Mr. Kron: All right; that's all.

Mr. Ross: Thank you, Doctor, that's all.

Witness excused.

[fol. 950]

PLAINTIFF'S EXHIBIT No. 24A

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

NEW ORLEANS DIVISION

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

THE STATE OF LOUISIANA, et al., Defendants.

DEPOSITION OF MRS. HELEN BILLINGS, taken at the instance of and on behalf of Plaintiff; January 22, 1963, in the United States District Courtroom, Post Office Building, Monroe, Louisiana.

[fol. 951] STIPULATION

It is stipulated by and between Counsel for Plaintiff and Counsel for Defendants that all formalities in connection with the taking of this deposition are waived except the swearing of the witness, including the signature of the witness.

Counsel, however, reserves the right to object to the relevancy or materiality of any question or answer in this deposition at the time that the deposition is sought to be introduced in evidence during the trial of the above entitled action.

MRS. HELEN BILLINGS, witness called on direct examination at the instance of and on behalf of Plaintiff herein; first duly sworn, did depose and say, to-wit:

Direct examination.

By Mr. Ross:

Q. State your name, please?
A. My name is Helen Billings.

Q. Are you a negro?
A. Yes.
Q. Where do you live?
A. I live at 601 Goldman Avenue.
Q. Is that in Monroe?
A. Monroe.
Q. In Ouachita Parish?
A. Ouachita Parish.
[fol. 952] Q. How long have you lived in Ouachita Parish?
A. I been living in Ouachita Parish since 1938.
Q. Are you married?
A. Yes, I am.
Q. Do you and your husband own your own home?
A. Yes, we do.
Q. How long have you owned your home?
A. We started buying it in 1942.
Q. Where were you born?
A. I was born in Hope, Arkansas, Hempstead County.
Q. When was that?
A. In 1918, April 27th.
Q. How much schooling have you had?
A. High school education.

Mr. Korn: I didn't hear you.

A. A high school education, first through twelfth grades.
Q. What sort of work do you do now?
A. I'm a beautician.
Q. Do you run your own shop?
A. I do.
Q. Have you ever been arrested?
A. No, I hayen't.
Q. When was the first time you tried to register to vote in this parish?
A. According to their card it was in 1956, but until they [fol. 953] showed me the card I didn't really remember the year, but it was 1956 on it.
Q. You were registered to vote at one time, is that correct?
A. Uh huh, I was registered and voted several times.
Q. Was that before 1956?
A. No, not before, that was my first time to register.

Q. I see. And after you were registered and voted, did you have an occasion to try to register again?

A. Yes, after I was challenged.

Q. And when were you challenged?

A. I don't remember the year, because I don't have any record of it.

Q. And when you went, you tried to get back on the rolls, is that correct; you tried to get back on?

A. Yes sir, I met my challenge; I had so many days to appear, and I went before the time was over.

Q. And what happened at that time?

A. Well, the lady told me that she couldn't find anything wrong with the card, and so they put me back on that time.

Q. And did you vote after that?

A. I think I voted one time, but I can't remember what it was for.

Mr. Kron: When were you put back on the rolls?

A. When I was put back on was at the same time that I was challenged.

[fol. 954] Mr. Kron: Shortly after that?

A. Uh huh. (Affirmative.)

Mr. Kron: All right.

By Mr. Ross:

Q. Did you have to register at any other time after that?

A. No, no more than when I got the second challenge.

Q. You were challenged again, is that correct?

A. Uh huh. (Affirmative.)

Q. How long after the first time was that?

A. It was right after I voted the next time.

Q. And what did you do about that?

A. Well, I had to go back down, and that was the time that everybody was taken off; and I had to—you know, stand in line until my time come to get to the Registrar.

Q. Did you get into the office?

A. Yes, I finally got in.

Q. And what happened when you were in there?

A. Well, I asked her what was wrong, but that time she

said, "Nothing, register over to make sure it's nothing wrong;" so that's what I tried to do.

Q. And when you tried, in what way did you try, what did you have to do?

A. Well, at that time I had to refill the card, and after I refilled the card, well she gave me a card; and I read this card, the contents of this card, and she asked me what it [fol. 955] meant; and I told her what I thought it meant, and she said what I was saying was right, but it wasn't the way she wanted me to say it.

Q. And what did you do then?

A. Well, I left, and then I turned around and went back. She told me to go and study it again, and I left; and I turned around and I asked her if I studied and came back, would she ask me the same question, and she said, "Most likely, no;" and I just said, "I thought so," and I left.

Q. Now, is this your handwriting?

A. Yes.

Q. And you filled out this card?

A. Yes, I filled that card out.

Mr. Dunbaugh: We will mark that as P-11 for identification.

By Mr. Ross:

Q. How did you happen to get this card that she asked you to read?

A. She gave it to me. She reached under the desk and she got one, and she looked at it and she put that one back; and she got another one, and she gave it to me.

Q. That was the only one you had?

A. Uh huh, that was the only one.

Q. Do you think you could identify it if you looked through here for it?

[fol. 956] A. If it's in there—maybe.

Q. Would you give it a try?

A. This one and this one seem to be the same—it's Article-1, Section-10--but it doesn't exactly read like—you know, altogether like the one that she had down there, because it doesn't have some of the things in it that I read, but it was speaking of—

Q. Article-1, Section-10, you believe is the one—
A. Uh huh, speaking of—
Q. Something like that, then?
A. Yes, it was something like this, because it was speaking of imports and exports.
Q. And that was the last time that you went up to the Registrar's office?
A. Yes, I haven't tried since then.

Mr. Ross: I have no further questions.

Cross examination.

By Mr. Kron:

Q. You identified this card, or a photostatic copy of the card, which is marked P-11, as being in your handwriting. Now, is this the application which was accepted when you did register? It's dated August 29, 1956.
A. Uh huh. This is the application of the first registration of me in the State of Louisiana, of ever being a registered voter.
[fol. 957] Q. I see. They put you on the registration rolls at that time?
A. Uh huh. (Affirmative.)

The Reporter: The answer was yes?
The Witness: Yes.

Q. Are there any errors on that application?
A. Well, now when I asked the lady where the errors—if it was anything wrong with the card, she took the card and looked at it; and said she didn't see anything wrong with it, and she didn't understand why I was off, and then later they challenged me again.
Q. But you testified that this is your first application?
A. That's my first time.
Q. The first time you ever tried to register in Louisiana?
A. Yes sir.
Q. All right. Now, I circled with pencil the answer to a question here, which question reads: "I am not now registered as a voter in any other Ward or Precinct of this State, except:"—and I have circled this 3-8. Is that a correct answer?

A. That was the precinct and ward numbers.

Q. Well, is that a correct answer to the question?

Mr. Dunbaugh: Mr. Kron, I would like to object to the question, because I don't think that the applicant knows what standards the Registrar used.

[fol. 958] Mr. Kron: That's exactly what I'm trying to show, that she doesn't know what she is talking about; with respect to this card, and lots of other things she is testifying to.

I am going to agree that she may sincerely believe what she says to be correct, but that in truth and in fact, her memory is not infallible and impeccable; and that she actually doesn't understand or know what she is talking about.

Q. Now, is that a correct answer to the question; if that is the first time you ever registered in this state, is that a correct answer?

A. Well, you see, they had us in wards and precincts, and we were told that the ward was 3 and the precinct was 8; and that's what it says, "I am not a registered—"—"I am now registered as a voter in any other Ward or Precinct of this State, except Ward-3 and Precinct-8."

Q. But if this was your first application, the fact is that you were not registered in any precinct, were you?

A. Well, wonder why she didn't tell me that when I asked her the question?

Q. Well, the point I'm trying to make is: Are you sure, [fol. 959] in your own knowledge—are you positive that this card you have identified here today as P-11, is the first application you ever filed for registration in the State of Louisiana?

A. It has to be, because it was in '56, and that was the first time I registered.

Q. So that admittedly, if this was your first application, then the answer to the question which I have circled on here is wrong, is it not?

A. I really don't know, because she said it was right, and I thought what she said was it.

Q. Does the Registrar's signature appear on this card?

A. I don't think it appeared on any of them.

Q. You don't think so?

A. No sir.

Q. You don't know that under the—

A. She didn't sign any of mine.

Q. Didn't sign them; you're positive of that?

A. She didn't sign them—not before me, she didn't sign them.

Q. You don't know that in order to be registered in Louisiana, that if your application is accepted, the Registrar or the Deputy Registrar must sign your application to approve it as accepted; you don't know that?

A. I see it's down there, but she didn't say—she said, "That will be all."

Mr. Kron: I see.

[fol. 960] A. I mean, when she told me that, that was all I was interested in, because I hadn't ever registered before; and she said that all the information was correct.

Q. She said that?

A. That's what she said; and then when she challenged me and I had to go back, she said that she didn't see anything wrong, and put me back on the books. Now, that's what she told me.

Q. And you only made one application before you were challenged?

A. For this time.

Q. For this time, but I mean, then, you made no further applications of any kind before you were challenged the first time?

A. I don't guess I understand you.

Q. How many times did you have to go to the registration office to get registered, when you first went to register?

A. I went one time the first time.

Q. One time; what year was that?

A. 1956.

Q. In 1956?

A. Yes.

Q. You didn't go at any other time during 1956?

A. No, because she didn't challenge me in '56, but I don't remember the year.

Q. I see. Your memory could be quite mixed up about it, it's been a long time?

[fol. 961] A. It has been a long time.

Q. Are you sure that this card is the one that the Registrar accepted your application on?

A. Well, all I know is, that's my handwriting. Now, whether she accepted it or not—

Q. And anything else about it, you really don't know or understand, do you?

A. It's my handwriting.

Q. But I say: Anything else about it, you don't know or understand about the Louisiana Law?

A. I don't know how to answer that question.

Q. Well, do you understand it, do you know what they're supposed to do when your application is accepted?

A. I understand—you said that she was supposed to sign it, and I see here where it says "Deputy"—

Q. I asked you if you knew that?

A. Not until you showed it to me, because when she told me to sign my name, to put my signature here, she said; "That will be all."

Q. You're positive that what you're saying she told you, that you are correct about?

A. She said, "That will be all," when I put my name down there.

Q. I see—and she registered you from this application?

A. And I voted.

Q. You're positive of that, that there was no other ap-

[fol. 962] plication of any kind?

A. No, I—I didn't fill one.

Q. Now, by the same token, you are positive that the interpretations you gave to the constitutional questions were correct?

A. No, I'm not sure, because she said—

Q. You're not sure?

A. No, because she said what I was saying was right, but it wasn't like she wanted me to say it; so, you know, I didn't know what to think then.

Q. Now, when you were removed from the rolls the second time, what was the reason the Registrar gave you for that removal?

A. She didn't give me a reason, she just told me to register over.

Q. Uh huh, and you registered over, and she accepted that too?

A. Yes—

Q. And then you were removed a third time?

A. No, she didn't accept me the second time, because, see, she said that I didn't answer the question correctly.

Q. That was the third time, wasn't it?

A. No, I didn't go up there but twice.

Q. Well, now let's go over this again, let's see how good your memory really is. You went the first time in 1956?

A. In 1956.

Q. Filled out an application and you were registered?

A. Yes.

[fol. 963] Q. You voted?

A. Yes.

Q. Then you were removed from the rolls by a challenge?

A. Yes.

Q. And you said that you went back shortly after you were removed, and reregistered and was accepted again?

A. No, I didn't reregister the first—you're talking about the first time; are you speaking of the first time, this first card?

Q. I don't know whether this is the first card or not; do you?

A. That's the '56 card, that's the first card.

Q. This is the fifth or sixth card, this P-11?

Mr. Ross: '56; 1956.

A. Fifty-six ('56).

Q. 1956?

A. '56.

Q. All right. That's the first card?

A. That's the time when there was a long line, too.

Q. Well, the line is not important. Let's go over this thing again. In 1956 you went and registered and your application was accepted, is that correct?

A. That application was accepted.

Q. This application was accepted?

A. Uh huh. (Affirmative)

Q. When were you removed by challenge?

[fol. 964] A. I told you I don't remember the year.

Q. All right—but you were removed by challenge?

A. That's right.

Q. Now, how long after you were removed by challenge did you go back again?

A. Well, this letter stated for me to come within ten days, and I went—I don't know what day it was, what number of days, but I went back; and when I went there, well that's when, you know, it was a lot of folks, and I didn't stay the first time, I left; but it was in the same day, and I came back and I stayed that evening—it was in the afternoon—at first it was in the morning, and I stayed that afternoon until I got in to her.

Q. And then what happened?

A. Well, that's when she said she couldn't see anything wrong with the card, that's what she told me.

Q. And put you back on the rolls?

A. And put me back on the rolls, without me registering again.

Q. All right—and you voted again after that?

A. I voted one more time I'm sure.

Q. And then you said you were taken off of the rolls a second time?

A. A second time.

Q. Now, when was that?

A. Well, just like I don't remember the date of the other [fol. 965] time, I don't remember that time.

Q. Was it a year afterward?

A. I really don't know.

Q. Two years?

A. I can't remember.

Q. You can't remember—but you do remember that this is the first card, without any doubt; even though the Registrar's name is not on the card and there is a mistake in that card?

A. Yes sir.

Q. You're positive of that?

A. It's supposed to be the first one.

Q. Supposed to be?

A. Yes.

Q. Now, the third time you went in and tried to register for the second time, when was that?

A. I don't know, but it was—you know, it wasn't a long time afterwards, it was—it wasn't too long, but I just can't remember.

Q. How did you find out that you had been challenged the second time?

A. I received a letter each time.

Q. So you had a second letter, and when you got that letter you went back again?

A. That's right.

Q. This time you were told you were off the rolls?

[fol. 966] A. That's right.

Q. And you were given a card to fill out, and given this test?

A. That's right.

Q. And they told you that you had failed the test?

A. She told me what I was saying was right, but it wasn't the way she wanted me to say it.

Q. All right. Now, approximately how long ago has that been?

A. Oh, well, it was just before they elected the Mayor.

Q. When was that?

A. I don't know what year that was in, I think he's served about—

Q. All right. You have not been back again?

A. No, I haven't.

Q. All right. You feel you were unjustly treated at that time?

A. Well, yes, because—the first time is when I felt like I was unjustly treated, mistreated; the first time.

Q. Why?

A. Because she said she couldn't find anything wrong with my card.

Mr. Kron: I see.

A. I mean, if there had been a mistake, it looks like she would have pointed it out to me, but she didn't.

Q. Looks like she would?

A. Uh huh. (Affirmative)

Q. You don't know what the law says about that, do you?

[fol. 967] A. Well, I haven't studied up on it.

Q. I understand, but you just feel like she should have pointed out the error?

A. It seems that if you know, you should tell me—if I don't know.

Q. That's the way you feel about it?

A. That's right.

Q. Whether that's the law or not, that's the way you feel about it?

A. That's the way I feel about it.

Q. All right. Now, how many years has it been since you've tried to register?

A. I keep telling you I can't remember.

Q. You mean you can't tell me whether it's 2 years, 3 years, 5 years?

A. No, because I can't remember when the last time was, because on dates—

Q. Your memory is pretty bad, isn't it?

A. On dates.

Q. On dates?

A. Uh huh. (Affirmative)

Q. Have you been reading the papers recently?

A. Oh, sometimes.

Q. Sometimes. Have you read or heard anything about the new kind of test that's being given instead of this old [fol. 968] test that you thought was unfair?

A. I've sat in meetings on that, I know about the new test.

Q. You know about it?

A. I have—you know what I mean, I have had an opportunity to see the new card, if it's what you're talking about.

Q. Good. You've seen the questions and the answers?

A. I've seen the questions.

Q. And do you know that all you have to do is circle the correct answer out of three possible answers?

A. No, I don't exactly know everything you do, but they just passed the cards around and told us to—you know, to look at them.

Q. And study them?

A. Uh huh, and we had kind of a little test on where you fill it in.

Q. Who held this meeting?
A. Ineta Pierce.
Q. Who?
A. It was Ineta Pierce passing the cards out.
Q. Pierce?
A. Uh huh. (Affirmative)
Q. Was this at a church meeting?
A. No.
Q. NAACP meeting?
A. No.
[fol. 969] Q. Well, who called the meeting?
A. It wasn't a called meeting, it was our beauticians' club meeting, and she dropped in.
Q. I see—and held this meeting over these new test cards?
A. She just asked if she could, she asked for permission to pass the cards out; to let us get familiar with them, because they're trying to get everybody to become a registered voter.
Q. Good. Now, you have a set of those cards?
A. No.
Q. But you have seen them—
A. I have.
Q. —and gone over them?
A. I have.
Q. Do you think you could pass that examination?
A. I think I could.
Q. Have you tried?
A. No, I haven't.
Q. Why not?
A. Well, I knew that the questions were still involved, and I felt like I might not answer like she wanted me to.
Q. Like she wanted you to?
A. Uh huh. (Affirmative)
Q. Even though you knew you had the correct answers on those cards?
A. No, I'm speaking of these cards.
[fol. 970] Q. Those cards don't—is it your understanding that those cards you're referring to in that book are still being used?

A. Yes, they're still being used. I haven't been down there that I can tell you—for me telling you, but everybody else tells me that they are still being used.

Q. These constitutional interpretation cards are still being used?

A. That's what I am told, because I have not been back down there.

Q. I understand. Now, let's go back to that interpretation test. What is a Republican form of government?

The Witness: A Republican form of government?

Mr. Kron: Uh huh. (Affirmative)

A. I imagine it's just the same as a Democratic form, it's just one—

Q. Good. Now, what is a Democratic form of government?

A. I guess it's just under the Democratic Party. I imagine they're the same, but one is Democratic and the other is a Republican.

Q. And that's a form of government, the Democrats and the Republicans; is that right?

A. That's what I think.

Q. How did you get to come here today?

A. By subpoena.

Q. Did you want to come?

[fol. 971] A. No, I didn't want to come.

Q. Had you made any complaint to anyone about this?

The Witness: About what?

Mr. Kron: About this voting thing.

A. No, I haven't made any complaint.

Q. Well, how did they know to contact you to get you here?

A. That was the question that I asked.

Q. Huh?

A. That was the question that I asked when I was called by telephone.

Q. What question?

A. Why did they—how did they get my name to come down here. I still don't know.

Q. Do you feel that if you gave the new test a little study, that you could pass it and become registered again?

A. Yes, if I could be exposed to these laws.

Q. You haven't read the papers, then, in the last 5 or 6 months, have you?

A. Oh, I read the papers, but I don't really just read the whole paper, everything in it, because I don't—

Q. You haven't paid attention, then, or haven't seen the articles which say that that old test is not being used any more?

A. No, I really haven't.

Q. And if I told you that that test is not being used any [fol. 972] more, would you believe that to be correct?

A. Well, I would believe, I guess, just like I—you know, there is nothing else for me to believe, I would feel like you were telling me the truth.

Q. All right. I tell you that that test is no longer being used. Now, do you think, without that old test, that you might be able to go down and register?

A. I do.

Q. Why haven't you taken the trouble to find out about these changes?

A. Well, it's just so many folks just have so much trouble, and I'm the type of person that whenever I can go around it, I just go around it.

Q. Actually, you're not too much interested, are you?

A. Oh, yes, I'm very interested in becoming a voter, I think any property owner should be a registered voter.

Q. Not interested enough to read the papers to find out what to do?

A. Well, you see, I didn't know all of that was in the papers. Of course, I know that sometimes they put some things in the papers about it, some of the articles and different things; but even if I had read it, I couldn't memorize it.

Q. Couldn't understand it?

A. You know, not to tell you all about it and everything.

Q. Couldn't understand it, couldn't understand what to do to get registered?

[fol. 973] A. If I read the part and it told me in plain words, I would have.

Mr. Kron: I see.

Mr. Dunbaugh: I think the question assumes that the newspapers have told people what the procedures are.

Mr. Kron: I think you all know that, you read it in the newspapers.

The Witness: What paper was it in?

Mr. Kron: All of the papers. I have no further questions.

Redirect examination.

By Mr. Dunbaugh:

Q. Mrs. Billings, when we first started out today, Mr. Ross asked you when you first registered to vote, and I believe you said you didn't recall the date, but that according to this card it was 1956; is that what you said?

A. That is—I am not sure of anything today, because—you know what I mean, sometimes you get all balled up; but all I know is, the first time I went down to the courthouse to register I registered; and I kept my slip of paper, this yellow slip for a long time, and this letter, but eventually I threw it away; and I can't remember the date, the exact date, but I am almost certain it was—that the first time I attempted to register was in 1956.

[fol. 974] Q. But your recollection of that date was due to your seeing this card, is that right?

A. Yes, when they first brought it to me.

Mr. Kron: Well, in all fairness to the witness—

Mr. Dunbaugh: Yes.

Mr. Kron: I'm not trying to ball her up. In all fairness, this card is not necessarily the first application, it could have been another application.

By Mr. Dunbaugh:

Q. You weren't shown all of your application cards, were you?

A. Well, no, actually—

Mr. Ross: She was left with the impression that—

The Witness: That that was my first one.

Mr. Ross: —that this was her first card.

Mr. Kron: But I don't want this record built on impressions—

Mr. Ross: Well, you gave her that impression.

Mr. Kron: —I want this record built on facts. No, I didn't at all, I asked her whether or not this was her first application, and she categorically said yes; when it's evident on the face of the paper that it is not.

The card has an error, it is not signed by the Registrar [fol. 975] and is not an official registration of the applicant—

Mr. Dunbaugh: I object to your conclusion that there is an error on it.

Mr. Kron: —so evidently there must have been another card, which I'm willing to concede.

Mr. Dunbaugh: I object to your conclusion that there is an error on it, because I don't see an error on it.

Mr. Kron: The error is where it is circled; you just read it. Anybody who understands the English language will have to admit that's an error.

Mr. Dunbaugh: Let's go off the record, I don't think anything is being accomplished here—

Mr. Kron: Well, we don't want you fellows to be testifying, because you don't know that of your own knowledge, and I don't—

Mr. Dunbaugh: Well, neither are you, Mr. Kron. Mr. Kron stated that that's an error, when in fact the Registrar of Ouachita Parish accepts that answer.

Mr. Kron: Well, I don't know that, and that would only be permissible to be testified to by the Registrar herself, [fol. 976] duly under oath.

Mr. Dunbaugh: Well, the same would be true of your conclusion that it's an error.

Mr. Kron: Of course, I'll say that anyone who reads— I'm not saying that it is an error, I'm saying that in any stretch of the imagination, in asking such a question; that the answer as given there is not responsive to the question.

Mr. Dunbaugh: OK. Well, that has nothing to do with this case anyway, and we're using up a lot of time.

Q. What I was driving at is this: That your understanding that this is your first application is from your having seen this application, of your having been shown this application?

A. That's right.

Q. You were not shown any additional applications?

A. No sir, and I have only filled two.

Q. You have filled out two?

A. I've filled two.

Q. So that really this could have been your second one?

A. It could have.

Q. The time that you failed?

A. Uh huh. (Affirmative)

The Reporter: What was your answer?

[fol. 977] A. It could have been, because, you see, I was under the impression that that was the first one, because it is the same card that I was shown twice—by two different people.

Redirect examination.

By Mr. Ross:

Q. Well, may I interject: Are you sure this is the card you were shown; I mean today you were shown it twice, and once before?

A. It's not the same card, but it's seemingly to me—I mean, the dates are the same on the cards. The other one was more of a picture-type photostatic copy, this look like a duplicate or something to me.

Q. But you did fill out the two cards?

A. I filled two cards.

Q. In what period of time were those two cards filled out, within the same year perhaps?

A. Yes, that was in the same year.

Q. Within a few months of each other?

A. I can't say that, because I don't know.

Q. But they both could have been in 1956?

A. No; no, they both wasn't in 1956, if that's the first card?

Q. If that's the first?

A. Yes. I voted more than one time, see, I voted several times—I mean, you know, several years, and then later I was challenged and they taken me off the books. Well, the [fol. 978] card that I filled—she didn't accept the second card, because she didn't accept the answer to these constitutional parts.

Mr. Kron: But that was actually the third time you were in the office?

A. No, I wasn't in the office but twice.

By Mr. Dunbaugh:

Q. All right. Now, you may be vague about some of these dates, but is there any doubt in your mind that you went in, that you read and that you explained the provisions that are in the constitution, and that you were told your explanation was wrong?

A. Yes, I know that happened.

Q. There is no doubt in your mind about that happening?

A. No.

Q. You may not recall exactly when it happened, but you know that it happened?

A. That's right, I can't recall the dates, but I know it happened.

Recross examination.

By Mr. Kron:

Q. And of your own knowledge, you don't actually know whether your answer was right or wrong?

A. Well, just—just going by what she said—I told her what I thought it meant, and she told me that what—this is her way of saying it; she said, "What you are saying is [fol. 979] right, but you are not saying it like I want you to."

Q. But of your own knowledge, you don't know whether your explanation was right or wrong?

A. Well, to my own knowledge, I felt like I was right.

Q. I see. All right; if you felt like you were right, then tell me what is the definition of a Republican form of government?

A. That was not my question anyway.

Q. Well, what was your question about?

A. It was something about exports and imports.

Q. All right. What is an export, and what is an import of produce?

A. An export means to send out; and import means to bring in.

Q. I see—and that constitutional provision talked about the export and import of produce?

A. And getting permission from the Congress.

Q. I see—and how do you get that permission from the Congress?

A. I don't know, I don't guess; because, you see, I wouldn't say it right, so it's no need of trying.

Q. I see. Your mind is closed on this issue, that you're going to be wrong regardless of what you say?

A. No, but everything I say I'm wrong; I couldn't remember the dates correctly—I told you that I couldn't remember dates, because, you know, some people just don't remember dates; you can remember incidents, but you can't remember dates.

[fol. 980] Mr. Kron: All right. I have no further questions.

Mr. Ross: Thank you, Mrs. Billings, that's all.

Witness excused.

[fol. 981]

PLAINTIFF'S EXHIBIT No. 24B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION
Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

THE STATE OF LOUISIANA, et al., Defendants.

DEPOSITION OF MRS. RUBY LEE CYRUS, taken at the behest of and on behalf of Plaintiff; on January 22, 1963, in Monroe, Louisiana.

[fol. 982] STIPULATION

It is stipulated by and between Counsel for Plaintiff and Counsel for Defendants that all formalities in connection with the taking of this deposition are waived except the swearing of the witness, including the signature of the witness.

Counsel, however, reserves the right to object to the relevancy or materiality of any question or answer in this deposition at the time that the deposition is sought to be introduced in evidence during the trial of the above entitled action.

MRS. RUBY LEE CYRUS, witness called on direct examination at the instance of and on behalf of Plaintiff herein; first duly sworn, did depose and say, to-wit:

Direct examination.

By Mr. Ross:

Q. Would you state your name, please?
A. Ruby Lee Cyrus.

Q. Are you a negro?
A. Yes, I am.
Q. Where do you live?
A. I live at 507 South Ninth Street in West Monroe, Louisiana.
Q. Is that in Ouachita Parish?
A. Yes, it is.
Q. How long have you lived in Ouachita Parish?
A. Thirty-two years.
[fol. 983] Q. Do you own your home?
A. I own my home, but at the present I'm renting.
Q. Where were you born?
A. I was born at Calhoun, Louisiana.
Q. When?
A. May 18, 1930.
Q. How much education have you had?
A. I have 15 hours on a Masters Degree.
Q. Where did you get your undergraduate degree?
A. At Grambling College.
Q. What sort work do you do?
A. I teach school.
Q. Where?
A. Swayze Elementary School.
Q. Do you teach all of the grades?
A. No, I teach the second grade, section-1.
Q. How long have you been teaching?
A. Five years.
Q. Have you ever been arrested?
A. I had a speeding ticket, that's all.
Q. Do you remember the first time you tried to register to vote?
A. Yes, I do.
Q. When was that?
A. That was in April, 1956, I think.
Q. Were you able to register?
[fol. 984] A. No, I wasn't.
Q. What happened?
A. I went in and I had a card, the ordinary card that you have to fill out in this parish to register; and I filled out the card, and then Mrs. Lucky gave me another card with part of the constitution on it to interpret.

She asked me if I could read, and I told her I could; and she told me to read it silently and tell her what I thought it meant, and that's what I did.

Q. Did you tell her what you thought it meant?

A. Yes, she gave me the article about a person—I don't know exactly which article it is, but it was about a person that could not testify against himself, and this is what I thought it meant:

That you could not testify against yourself, you must have a Judge and a jury in any capital offense; and I thought it meant that once you had been tried for a crime, you could not be tried the second time. She said that it was wrong, and told me to come back later.

Q. Did you go back again?

A. Yes, I went back five days later. I asked how quick could I come back; she told me I could come back in 24 hours, but I came back in five days.

Q. What happened at that time?

A. This time I was challenged also, and I was—she went [fol. 985] the same routine as before; I filled out a card, and when I filled out this card—if I had the constitution book I could show you the article that she gave me this time; and she gave me this article to read, and I told her what I thought it meant; and at this time Mr. John Feeback was in with her, and she said it wasn't right.

Then she gave me a part of the Louisiana Constitution, about the three departments of government in Louisiana; Judicial, Executive and the Legislative, and she asked me what did they mean, what was the purpose of each one of them; and I told her that the Judicial made the laws—the the Legislature made the laws and the Judicial saw that it was carried out; and she told me that that was wrong, and to come back later.

Q. Do you think you could identify what you were required to read?

A. Yes sir, I sure can if I see it.

Q. Well, would you look through here and see if you can find it?

A. This was the article that I was qualified to vote on, Article-3, Section-1, The Judicial Power of the Government,

and I explained that; that was the fifth time I had gone up.

Q. Well, I'm just referring to the two times you were just speaking about now.

A. Oh. This is the second time; Article-4, right here, what she had me to read the second time.

[fol. 986] Mr. Dunbaugh: I think the record should identify that more clearly, it could be Article-4 of anything.

A. The Constitution, Article-4: "The right of the people to be secure in their person, house, papers and effects—

Mr. Kron: Which constitution?

Mr. Ross: Let's go off the record, please.

(Colloquy of Counsel and Witness.)

Mr. Ross: All right, you may continue.

A. "The rights of the people to be secured in their personal house—

Mr. Kron: Just a minute. Start at the beginning, citing the article and section numbers so that it will be complete in the record.

A. The Constitution, Article-4: "The rights of the people to be secured in their persons, houses, papers and effects against unreasonable search and seizure shall not be violated; and no one shall issue, but upon probational cause, supported by oath or affirmintation, and particular described as the place to be searched and the person or thing to be seized."

I told her that I thought that nobody could just go into a person's house and take their belongings without a warrant from the law, and it had to specify in this warrant what [fol. 987] they were to search and seize; and she told me that was wrong.

Q. Excuse me just a second. Before you said—?

A. This was the second time.

Q. Did you get more than one thing to read?

A. Yes sir, I did in the second one.

Q. The second time you were up there you got more than one thing to read?

A. Yes, I got two, and the third time that I went to her office I was supposed to have carried three witnesses, and I took two witnesses; and she wasn't in, she was out that particular day, so her assistant asked me if I had tried to register before, and I told her yes.

She asked me who had waited on me, and I told her Mrs. Lucky; and she told me to come back later, because Mrs. Lucky had been dealing with my case, so I didn't get a card or anything that particular time.

Q. Excuse me. Before you go on; are these the cards that you filled out the first two times you went up there? A. Yes, it is.

Q. Is that your handwriting?

A. Yes, it is. It's bad writing.

Mr. Ross: I would like to enter these in the record.

The Reporter: Shall I mark these P-1 and P-2?

Mr. Ross: Yes, that will be all right.

[fol. 988] (Exhibits so marked by the Reporter.)

Q. Well, after this last time that you've talked about, when Mrs. Lucky wasn't there, did you go to the office again?

A. Yes sir, I did, I went again; and this time I filled out a card, and I was challenged again.

Q. By "challenge" do you mean you had to interpret—

A. Interpret the constitution, tell what I thought it meant.

Q. When was this?

A. This was about a year later that I went back.

Mr. Kron: 1957?

A. Something like that, yes sir.

Q. And you had to explain—

A. The constitution then.

Q. And what did she say after you explained it?

A. Well, she said that it wasn't right, to keep trying, and to come back later, and I did.

Q. And when was the next time you went in?

A. Well, it was the time that I got registered, I think it must have been about 2 or 3 years ago that I went back.

Q. And at that time you also had to interpret?

A. Yes, I interpreted this one right over here about the Judge, Article-3, Section-1.

Q. Now, to go back to the first two times you tried again; how did you happen to get that particular section, or that particular card with the section typed on it?

[fol. 989] A. She passed it to me. It wasn't a selection of cards, she just—each time I went up she always passed a card. She had some in a little container on her desk, and she just passed a card; I didn't select a card, she passed me a card.

By Mr. Dunbaugh:

Q. Didn't you just tell us that she just passed you one card?

A. The first time she passed me one, the second time she gave me one card; and then after I told her what I thought that one meant, then she passed me another one, the second time; and that was the only time that I had two cards at one time, the rest of the time I had one card.

Mr. Dunbaugh: That's all.

Mr. Ross: I have no further questions.

Cross examination.

By Mr. Kron:

Q. You are registered now?

A. Yes, I am.

Q. When did you register?

A. It was about 2 or 3 years ago that I registered.

Q. Before 1961?

A. It might have been in 1961. I don't know exactly when I registered, but I have voted, I think, seven times; one I missed.

Q. All right. Now, then, in this would you read the Constitution Article-4, would you read this again for me?

[fol. 990] A. "The rights of the people to be secured in their persons, houses, papers and effects against unreasonable search and seizure shall not be violated; and no one shall issue, but upon probable causes, supposed by oath or affirmation, or particular described as the place to be searched and the person or things to be seized."

Q. Now, what is this word here, please?

A. Probably.

Q. Probably?

A. Yes sir.

Q. And you said "probational" a little while ago?

A. That was just an oversight.

Q. And it's probably or probable?

A. Probable.

Q. Probably?

A. Yes sir.

Q. All right. What does it mean?

A. Well, it means "can be or cannot be."

Q. I see. What is this word here?

A. "Supported" means to take care of.

Q. I see; "take care of." All right. What is this word here?

A. That means a written statement—

Q. I know, but how do you pronounce that word?

A. Formintation.

Q. Formintation; it's not affirmation?

[fol. 991] A. Affirmation.

Q. It's affirmation or formintation?

A. I'd say formintation.

Q. I see. Now, what is this word right here?

A. Searches.

Q. Searches?

A. That's right.

Q. That's plural?

A. Yes.

Q. It wouldn't be search as you said it a little while ago?

A. It's searches.

Q. Searches; good. Now, when you gave these answers to the interpretation request in 1956 and 1957, are you absolutely sure in your mind that your answers were categorically correct?

A. Well, in some parts I thought they were correct, and in some parts it was—it could have been a discrepance in it.

Q. You're not sure, are you?

A. No, I'm not sure of it.

Q. As a matter of fact, two years ago when you were registered you were asked to interpret Article-3, Section-1 of the Constitution; is that correct?

A. I'll have to look at it to be sure. Article-3, Section-1.

Q. Article-3, Section-1, relating to the judicial powers?

A. Yes sir.

[fol. 992] Q. Is that not the same identical section that you were asked to interpret back in 1956?

A. No, it's not.

Q. It is not?

A. No.

Q. You testified that the first time you went there in 1956, that you were asked to interpret Article-3, Section-1, of the constitution, relating to the judicial powers of the Government; is that correct or not?

The Witness: Article-3, Section-1?

Mr. Kron: Yes, you so testified.

A. I said that that was in—that I was challenged on this the fifth time.

Q. The fifth time?

A. Uh huh. (Affirmative)

Q. You were challenged on that the first time?

A. The fifth time, but not the first time.

Q. Not the first time. So that if you said in your testimony the first time you were asked about Article-3, Section-1, you were in error; is that correct?

A. Now, I didn't say that, I never had said—

Mr. Ross: Excuse me just a second, Mr. Kron. Can we go off the record, please?

Mr. Kron: Yes.

(Colloquy of Counsel.)

[fol. 993] Q. That was the fifth time?

A. Yes.

Q. So that if you said a few moments ago that the first time you went, you were asked to interpret Article-3, Section-1, relating to the judicial powers of the Government; then you were in error?

A. Yes, if I said it I was in error, because she did not ask me that.

Q. Now, you had been asked that before, and refused, on that same article, had you not?

A. No, I have never had the same article twice.

Q. You have never had it twice?

A. No, I have never had the same article twice.

Q. So, if you said you did, you were in error?

A. That's right.

Q. All right. Now, are you complaining—

A. No, I'm not.

Q. Wait, now. Are you complaining that at any time in the first three times—no, that's the first, second and fourth times, where you were refused registration—

A. I am not complaining.

Q. I would like to finish the question—where you were refused, that you had given a correct answer at any one of those times?

A. No.

[fol. 994] Q. You're not sure of that?

A. I am not confused or saying anything myself, because when I got registered to vote, I was through with it myself.

Q. The only point—I'm not trying to be mean with you, and the only point I'm trying to establish is why you are here?

A. I was subpoenaed to come here, that's why I'm here.

Q. I see. The Government is asking you to come here, and you have no real desire, because you have no complaint; is that correct?

A. I don't have any.

Q. As a matter of fact, the first, second and fourth times you went, you're not sure at all whether you properly interpreted the section given, or did not?

A. No, I'm not.

Q. So, you really have no complaint?

A. No, I don't.

Q. Now, who came to see you about this?

A. I really don't know who it was; in fact, he just told me he was a man who came to talk to me about registering, and he showed me my card; and he asked me what happened, and I told him just like I'm telling you all, and he asked me if I could tell it again if I was called upon.

I told him I would not like to, but if I had to I would. He said, "Well, you know if we subpoena you, you'll have to." I said, "Well, that's—that's all right."

[fol. 995] Q. And you were subpoenaed and had to come?

A. That's right.

Q. Now, you have been registered for two years?

A. That's right.

Q. I understand that you have voted seven times?

A. Approximately seven.

Q. You have performed your obligation of citizenship as a registered voter, and you have not beset upon; you have been treated fairly, just as everyone else, when you entered the polls to cast your ballot, isn't that correct?

A. Yes, we have.

Q. You have not been interfered with?

A. No, I haven't.

Q. Nor has any pressure been brought to bear upon you; you have been able to exercise that ballot with your own free expression of your will; is that true?

A. That's true.

Q. All right. And the only persons who are interfering with you in any way are the representatives of the Government?

A. Well, I don't see where they—I wouldn't say that they were interfering, but they did ask me to come up and testify.

Q. And you preferred not to?

A. I preferred not to.

Q. And you've been subpoenaed here?

A. Yes sir.

[fol. 996] Q. Just one more question. Did you or did you not have to take a written examination—

A. No.

Q. —to test your knowledge of the obligations of citizenship?

A. No, I came on before that time.
Q. That came on before?
A. Uh huh. (Affirmative)
Q. So that you are on the rolls without having had to take that test?
A. Yes, I am.

Mr. Kron: That's all.

Redirect examination.

By Mr. Ross:

Q. In 1956, the two times that you were asked about the constitution, did you think you had given a correct answer?

Mr. Kron: She has already testified she didn't know.

A. I don't know. I went back and studied this constitution, and I talked with some more people about this constitution and we looked up some words and things on this constitution; but I just don't know.
Q. And you were a student at the time?
A. Yes, I was a student at the time.
Q. Where?
A. At Grambling College, and I talked with Dr. Oliver, [fol. 997] one of the instructors at Grambling at that time.
Q. And you finally got registered in 1961, is that correct?
A. I don't know exactly what year it was.
Q. Well, around then?
A. Yes.
Q. About how long was that after the first time you tried to register?
A. About 4 or 5 years later.
Q. About how many elections do you suppose there are in a year in this parish?

The Witness: How many what?
Mr. Ross: Elections there are in a year.
Mr. Kron: She can only answer that if she knows of her own knowledge.

A. I don't know just how many—
Q. Well, make a guess?

Mr. Kron: No, no, I object to any guessing.

Q. Well, what you think, how many do you think—

Mr. Kron: No, I object to any thinking. The elections are a matter of record in the Secretary of State's Office in Louisiana, and her thinking has nothing to do with the facts; and I certainly object to that kind of question, it doesn't have a thing to do with the issues here.

[fol. 998] A. Well, we have had quite a few bond issues too, and I couldn't exactly say.

Q. But you weren't allowed to vote in any of those elections, is that right, between 1956 and 1961?

A. No, I wasn't a registered voter.

Mr. Kron: That's a good answer.

Mr. Ross: I have no further questions.

Recross examination.

By Mr. Kron:

Q. At the time you were attempting to register, you were a student in college?

A. That's right.

Q. You have now received your degree and you're working toward the acquisition of your Masters Degree?

A. That's right.

Q. Now, as an educated college person, I want to ask you: Did or did not your refusal to register actually inure to your benefit, by you having to go and look up and study these questions?

A. Well—

Q. Do you know a little bit more about those things now than you did before?

A. Yes, I do.

Mr. Kron: That's all.

Witness excused.

[fol. 999]

PLAINTIFF'S EXHIBIT No. 24C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION
Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff

versus

THE STATE OF LOUISIANA, et al., Defendants

DEPOSITION OF MRS. LILLIE BEATRICE JACOBS, taken at the instance of and on behalf of the Plaintiff herein; on January 22, 1963, in United States District Courtroom, Post Office Building, Monroe, Louisiana.

[fol. 1000] STIPULATION

It is stipulated by and between Counsel for Plaintiff and Counsel for Defendants that all formalities in connection with the taking of this deposition are waived except the swearing of the witness, including the signature of the witness.

Counsel, however, reserves the right to object to the relevancy or materiality of any question or answer in this deposition at the time that the deposition is sought to be introduced in evidence during the trial of the above entitled action.

MRS. LILLIE BEATRICE JACOBS, witness called on direct examination at the instance of and on behalf of Plaintiff; first duly sworn, did depose and say, to-wit:

Direct examination.

By Mr. Ross:

Q. Will you state your name, please?
A. My name is Lillie Beatrice Jacobs.

Q. Are you a negro?
A. Yes, I am.
Q. Where do you live?
A. I live at 1317½ Rear Breard.
Q. That's in Monroe?
A. Monroe, Louisiana.
Q. In Ouachita Parish?
A. Ouachita Parish.
[fol. 1001] Q. How long have you lived in Ouachita Parish?
A. I've lived in Ouachita Parish most of my life.
Q. Do you own your own home?
A. No, I own no property.
Q. Then you rent, I presume?
A. Yes, I rent.
Q. Where were you born?
A. I was born in Monroe, Louisiana; Ouachita Parish.
Q. When?
A. In 1924.
Q. How much schooling have you had?
A. I went to the tenth grade in high school.
Q. Are you married?
A. No, I am not married at the present time.
Q. Were you divorced or—
A. Divorced.
Q. What sort of work do you do?
A. I'm the custodian at one of the high schools.
Q. Have you ever been arrested?
A. No, I haven't.
Q. When was the first time you registered to vote in this parish?
A. I registered once back in '55; I believe that was the first.
Q. And you voted at that time?
A. Yes, I voted.
[fol. 1002] Q. And did you try to register any other time after that?
A. Yes, I was challenged from the rolls, and I reregistered.
Q. And you successfully reregistered?
A. Yes, I did.

Q. And did you have occasion to register again after that?
A. Yes, I did, and I was pulled from the rolls.
Q. When was that?
A. In '58, if I'm going to be more or less specific.
Q. And you were taken off the rolls for the second time?
A. Yes, I was.
Q. And what did you do about it?

Mr. Kron: Let's correct that. I know that the manner of presentation is an innocent one; but the fact is, she was not taken off the rolls—you were automatically off of the rolls by the end of the registration period?

Mr. Ross: No, that's permanent registration, Mr. Kron.

Mr. Kron: Were you challenged a second time?

A. No, I was pulled from the rolls.

Mr. Kron: Pulled from the rolls?

Mr. Ross: A second time. Can we explore that, for what reason, and just get through with that issue?

[fol. 1003] Mr. Ross: OK, we will explore it; fine.

A. The reason given me at that time was that I had not voted in four elections prior to that time.

Mr. Kron: So, it was not a challenge this time, it was having been taken off of the rolls purely as a matter of administration of the law?

A. That's right.

Mr. Kron: OK.

Mr. Ross: Well, I think we're going to have to straighten it out some more, Mr. Kron.

Mr. Kron: Well, you go right ahead and pursue it, I just wanted to straighten out that point at that time.

By Mr. Ross:

Q. Now, this was the second time you were taken off the rolls?
A. Yes.
Q. And you think it was about 1958?
A. Yes, about 1958.
Q. And it was the second time you were taken off for not voting, is that correct?

A. Yes.

Q. Were you ever taken off the rolls any other time?

A. Well, I've been taken off recently, which was in about the last two years, in '60 I believe.

[fol. 1004] Q. And what for that time?

A. She told me that my name had been run in the paper again, and showed me a clipping.

Q. Do you know why you were taken off that time?

A. No, I don't know why it was.

Q. Well, let's go back to 1958 again, after you were taken off for not voting, how long had you been on the rolls then?

A. I had been on the rolls—I got requalified during the '56 challenge.

Q. So, you had been on at least two years?

A. Yes, and I had voted.

Q. Had you voted between 1956 and 1958?

A. Yes, I voted in the Governor election and the city election.

Q. Well, did she give you any information for the fact that you had been taken off of the rolls, for not voting, and you thought that you had voted?

A. She told me that I didn't own any property, but I don't understand that part, I never did.

Q. Do you think she might have confused you with somebody else?

A. Yes, I think it's possible that she did.

Q. In what way?

A. My mother owns some property, and it could have been her.

Q. Is her name also—?

A. It's Lillie Brown Jacobs, and they could have listed it as "Lillie B.", see.

[fol. 1005] Q. Well, what happened when you sent back up there after you had been taken off?

A. I went for about two—not quite two weeks, I went two days in one week; and I filled a card out, and there was an error on the card. So the next day I went, and she told me to fill out another card; then I had to go and find the precinct in which I lived, which I proceeded to do. Then, after she gave me this verse of the constitution to interpret, it wasn't up to her standards, and therefore—

Q. Which time was that, the second time?

A. Yes sir.

Q. And that was the first week, you went two times in the first week?

A. That's right.

Q. And then you went back again the next week?

A. I went back.

Q. And what happened then?

A. I went back the next week for a complete week the next week, the following day.

Q. Once a day for a week?

A. Yes, that's right, I could only go after 4:00 each day, so when I got back—well, once it was about a quarter-to-five; and she told me I wouldn't have time to fill the card out, she said, "The office closes at 5:00."

So, I had to go back the next afternoon, and I did fill my [fol. 1006] card out and was given a verse of the constitution to interpret; and that wasn't right, the way I interpreted it. She told me that it was too much like the original verse. The next day, then, I was given another one; and the Registrar, which was Mrs. Lucky, she did not accept my explanation of the verse.

Q. Well, that's three days in the week; you went up on Thursday and Friday as well?

A. That's right, I was registered on the seventh or eighth try; and I received a verse that I had seen before, that they had given me before; and I interpreted it to the best of my knowledge, and they accepted that. I guess she just got tired of my coming back.

Q. Well, would you look at these and see whether these are the cards that you filled out on those occasions; is that your handwriting?

A. Yes, it is.

Q. Would you look at all of them and see whether they're all yours?

A. Yes, they are.

Q. These cards that she asked you to read and explain, or something, this was printed on a card, is that right?

A. Yes, it was.

Q. How did you happen to get that particular one that she gave you?

[fol. 1007] A. She would come up and get the registration card when I told her I had finished filling it out, then she reached over on the desk there, or in the drawer or somewhere, and get a card.

Q. Just one?

A. One card that had this verse of the constitution typed on it, and she would tell me to read it; I couldn't pick it up from the desk, that I was to read it, then give her my understanding of it.

Q. Do you think you could identify any of the things you had to read?

A. Well, I know one verse that she gave me, because it was the one that I saw twice; and I may recognize some of the others.

Q. Would you look through here and see if you can find any of them?

A. Yes. Article-4, Section-4.

Q. Article-4, Section-4, was one of them?

A. Yes.

Q. Could you find any more of them in there?

A. I don't recognize any more at this time.

Q. So, some of the times that you went up there, she said your application card was wrong?

A. Yes.

Q. And the other times she said your interpretation was wrong, is that right?

A. That's right.

[fol. 1008] Q. Now, how many times was it that she said the card was wrong?

A. The card was wrong once that I can remember; as I recall, it was a word that was supposed to be misspelled, I was supposed to have misspelled a word, I remember that one time.

Q. Did she tell you that?

A. Yes. This was—it wasn't Mrs. Lucky, this was the lady that works in the office with Mrs. Lucky.

Q. Some of the other times Mrs. Lucky waited on you, is that right?

A. Yes, that's right.

Q. Now, did she ever tell you what was wrong with your explanation?

A. No, she didn't tell me—yes sir, once she did—I'm sorry—that it was too much from remembering the same thing that I had read.

Q. I see. The first thing you did was read the card to yourself, is that correct?

A. That's right.

Q. And then she asked you to explain it?

A. Yes.

Q. The first time that you had to explain something, did you know you were going to have to explain it when you were reading it?

A. No, I didn't know it, I just had heard that they were giving the constitution to you when you go up to reregister. [fol. 1009] Q. And after you read the card and before you explained it, did you have the card in your hands when you were trying to explain it, or did she take it back?

A. No, she never did let me pick the card up off of the desk, it was just laying flat, and I read it; then she picked it up and turned it up to her, and asked me to give her the meaning of what was on the card, of what I had read.

Q. And just reviewing what you said before; after you did get registered, then you were removed again after that, is that correct?

A. That's right.

Q. And you haven't gone back since then?

A. Yes, I have been up there, and when I got up there I was too late to start to register, to start filling out the card, rather.

Q. That was the most recent time?

A. That's the most recent time.

Q. When was that?

A. That was last year, just before the elections of the city started; and after she didn't—I didn't get to register, and I went two days, and after I didn't get to register either one of those days, I haven't been back because of the way I've worked; I'd be so late going up there, until I just haven't been back.

Mr. Ross: I see. I have no further questions.

[fol. 1010] Cross examination.

By Mr. Kron:

Q. You're not registered now?

A. No sir, I'm not.

Q. So, you've actually been removed from the rolls three times?

A. Yes sir.

Q. Once in 1955 or '56 you were challenged and taken off?

A. That's right.

Q. Then in '58 you were removed, and it was explained to you that you hadn't voted a certain number of times in a certain period of time?

A. That's right.

Q. That's when you went every day for a while and finally got reregistered?

A. Yes, it is.

Q. All right. Then you were removed again?

A. Yes sir, I was removed again.

Q. When?

A. That was just before the presidential election; you see, that is when I found out I had been removed.

Q. I see. Did you go to find out why at that time?

A. Yes, I did.

Q. And what did she tell you then?

A. She told me that my name had been run in the paper, and that I should have seen it because it was run three [fol. 1011] days; and she showed me a clipping that said—if I'm not mistaken, about the 17th, 16th or 18th of September in that year, but I hadn't read that paper.

Q. All right. Now, was your name in this advertisement alone, or was it in a list of names?

A. It was in a list of names.

Q. All right. What did it say, the advertisement?

A. Well, to be truthful, she didn't let me have it long enough to read it all.

Q. Well, did she explain why they took you off this time?

A. It was more or less something about I hadn't voted in the last election.

Q. You don't know whether that was proper or not, do you?

A. Yes, I do, because I had voted.

Q. You had voted. What caused the error, do you think?

A. I really don't understand it, I don't know what was the cause of it.

Q. I see. Did you say your mother's name was exactly like yours?

A. It's Lillie Brown Jacobs.

Q. Had your mother voted?

A. My mother hadn't voted since the first gubernatorial election of Governor Long; you see, she's sick.

Q. Governor Long; all right. Now, let me ask you this: Was your mother taken off of the rolls?

[fol. 1012] A. Yes, she was.

Q. When?

A. She was taken off right after the gubernatorial election.

Q. Which one?

A. The first of Governor Earl Long.

Q. You mean when Long ran?

A. That's right.

Q. So that when you were taken off, your mother was not on the rolls?

A. That's right.

Q. So that could not have been the error you suggested a little while ago?

A. It possibly could not have.

Q. Could not have. If she wasn't on the rolls, she could not have been removed from the rolls for not voting, could she?

A. That's right.

Q. And you say you had voted?

A. That's right.

Q. But the records would show whether you had or not, wouldn't they?

A. Yes sir.

Q. And the records would also show whether you had voted during the time prescribed by our laws, otherwise you would be removed?

A. Yes sir.

[fol. 1013] Q. And you don't know what those rules and regulations are, do you?

A. No, I don't.

Q. All right. So, any time you say that you were removed in error, you're really only surmising that you were removed in error, you don't know actually whether you were removed in error or not?

A. No, I don't know.

Q. All right. Now, when was the last time you went to register?

A. The last time I went to register was in '61, and this is '63.

Q. You haven't been back since?

A. No.

Q. Are you familiar with a new type of test that is being given?

A. No, I'm not familiar with it, I've heard about them, but I've never—

Q. You've heard about it?

A. Yes.

Q. Have you read about it?

A. No, I haven't read about it.

Q. What have you heard about it, do you have any kind of an understanding about what kind of test it is?

A. Yes, I think I have, and I had planned to go up and try to register again.

Q. Good. Well, tell me what you understand that test to be?

A. Well, the first I heard, before I got this last under-[fol. 1014] standing, was that you had to have three persons stating that you had lived in the city for the past year.

Q. I'm talking about your last understanding; what do you understand the rule to be now?

A. That's all I've heard.

Q. How about the test?

A. You mean about the constitution?

Q. What kind of a test is it?

A. Oh, just to fill out the registration form?

Q. And?

A. And have the three identifying papers, and that's all I've heard about

Q. That's all you've heard?

A. Yes sir.

Q. Now, how could you study to do that? You said you wanted to study and prepare to be able to pass it; what do you mean by that?

A. No, I don't think I said it like that, I said I wanted to go up—?

Q. And try?

A. —and try again to register.

Q. I see. You haven't read anything about a new type of written test?

A. No, I haven't; to be frank, I haven't. If it's anything recently, I haven't.

[fol. 1015] Q. Since last October?

A. No, I've only seen where they say the cards are different.

Q. The cards are different?

A. Yes sir.

Q. You read the papers, don't you?

A. Well, I haven't been keeping up with them too much the past few months, but I read them.

Q. What is a Republican form of government?

The Witness: A Republican form of government?

Mr. Kron: Yes.

A. I can't answer that now.

Q. You don't know?

A. I can't control my thoughts right now.

Q. All right. Now, don't be afraid, I'm not trying to trap you; that's not my purpose here, to trap you, I'm simply trying to find out whether you understand—whether you have any just cause for complaint about all of these turn-downs that you're here talking about; and if you do have a just complaint, we want to show in the record. Now, try to think a moment; what is a Democratic form of government?

Mr. Dunbaugh: I think the record should show that Mr. Kron has been referring to complaints made by witnesses; and, of course, the government is the complainant in this case.

[fol. 1016] Mr. Kron: Very true.

Mr. Dunbaugh: The witnesses haven't complained, the Government is doing the complaining.

Mr. Kron: Yes. Good.

Q. Have you had time to think it out?

A. Well, as he stated, really wasn't complaining, I was subpoenaed.

Q. All right—but what is a Democratic form of Government?

A. Oh, I can't answer that now.

Q. You can't answer it. Now, the article that you selected out of this book shown to you, was Article-4, Section-4, of the constitution, and from the way it reads it's from the United States Constitution; and the quotation on this card that you identified it: "The United States shall guarantee to every state in this Union a Republican form of government." What does that mean?

A. That means that it guarantees every state—to protect the states from invasion, or something like that, that every state should have equal protection.

Q. I see. Military protection?

A. Well, all protection.

Q. All protection. Well, name me one type of protection that you're talking about?

A. From invasion from any foreign power, and—

Q. Now, do you honestly think that that is a correct interpretation of that simple sentence?

[fol. 1017] A. Well, no, and as far as I can think right now, I don't even think that's what I gave her that day, because I can't think back that far right now.

Q. All right. Now, all of these cards that have been introduced in the record, from P-4 through P-10, those were on successive days; September 9, 11—there are two on September 11, there is one of the 14th, 15th, 16th and 17th; and on the card marked P-9, on the 16th of September, I notice the name of the Deputy Registrar, as signed to that, as Mae Marin, (spelled) M-a-r-i-n—?

Mr. Dunbaugh: M-o-r-i-n. (spelled)

Q. —or Morin; is that correct?

A. That's right.

Q. All right. Is that the card upon which you were registered, when she signed that card?

A. I'm going to be frank—

Q. You don't know?

A. —the card wasn't signed while I was standing there, and she took the card and gave me the verse to interpret.

Q. All right. I'm talking about the day upon which you were registered?

The Witness: The one that I was registered on?

Mr. Kron: Yes.

A. The only thing that I know that I was registered, is that she told me yes when I asked; and I had nothing [fol. 1018] given to me to say that—you know, that I was actually registered until I went to try to vote.

Q. You were given no card? You signed no register, you were given nothing to indicate that you were a registered voter?

A. That's right, she told me that I was, and that's all.

Q. I see. Now, then on September 17th, on the card marked P-10, there is another application unsigned by the Registrar. Did you go back into the Registrar's office again after they told you that you were registered?

A. This card here is—this must be when she wouldn't accept the interpretation I gave her, it's in those that run in that time.

Q. Did you say that she refused to accept an interpretation on all of these except one card, which was wrong?

A. That's right.

Q. You have no way to explain, you don't know really on which card your registration was accepted?

A. No, I don't.

Mr. Kron: I have no further questions.

Redirect examination.

By Mr. Dunbaugh:

Q. Are you nervous today?

A. Yes, I am, I can't deny that I am.

Q. Do you think you might have been able to answer some of Mr. Kron's questions more easily if you had had more time to think about it?

[fol. 1019] A. I believe I would have. I've been nervous ever since I received the subpoena.

Mr. Dunbaugh: Can we go off the record a minute?

Mr. Kron: Yes, sure.

(Colloquy of counsel)

Recross examination.

By Mr. Kron:

Q. If we were to suggest that you take 15 or 20 minutes to think the questions out, would you believe you could give me a proper answer to the definition of a Republican or Democratic form of government, without discussing the matter with anyone or without having to go look it up at this time?

A. I probably could answer you a little more specific.

Q. Would you like to try to do that?

A. I would.

Mr. Kron: All right, I suggest, then, that we temporarily excuse this witness and let her compose herself, and be called back to the stand in 15 or 20 minutes.

Mr. Ross: OK.

Mr. Dunbaugh: Could we then take the other witness' deposition in the interim?

Mr. Kron: Yes, we can take another one in the interim.

[fol. 1020] Mr. Ross: You can just go outside and sit out there and relax while we go ahead, Mrs. Jacobs.

Mr. Kron: If you don't mind, I would prefer that she sit somewhere in here, and not have any communication with anybody.

(Deposition recessed for 25 minutes)

Recross examination.

By Mr. Kron:

Q. Lillie, I had suggested about 20 minutes ago that you be given time to calm down from your nervousness, and to think about the possible answer to the question I had given you; even asked you, if given such time, did you think you might be able to gather your thoughts together and answer that question. Now, you have had about 15 or 20 minutes to sit down and think about this question?

A. Yes, I have.

Q. Now, can you tell me the difference between a Republican and a Democratic form of government; or, let's make it simpler than that: Can you tell me what is a Republican form of government?

A. I'll answer you frank; I could answer that question, but it—this I had been told when—that you had to be able to read some of the constitution and explain it, and I had been studying it at that time and was prepared for it; and I [fol. 1021] haven't read it in quite some time, and I know it, but it just—right now, just being so nervous it just won't come to me.

Q. All right. Well, let's get something even easier than that, that maybe you wouldn't have to study. How are your local state district judges placed in office?

A. Would you please repeat that for me?

Q. Well, in the state courts you have a judge for each parish or for each 2 or 3 parishes; they call that a judicial district. How do they get into office, how do they get there?

A. I believe the judicial judge is elected.

Q. They're elected by whom?

A. They're elected by the voters.

Q. By the voters?

A. The people that's in that district.

Q. All right. Now, what are his duties and responsibilities?

A. I think he is to rule over—he is to rule over the highest court here in the city, if I'm not mistaken.

Q. In the city?

A. Yes sir.

Q. What does your police juror do?

A. I'm not too familiar with the law on those things, to be frank with you.

Mr. Kron: I have no further questions.

Mr. Ross: That's all, thank you.

Witness excused.

[fol. 1022]

PLAINTIFF'S EXHIBIT No. 24D

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

NEW ORLEANS DIVISION.

Civil Action No. 2,548

UNITED STATES OF AMERICA, Plaintiff,

versus

THE STATE OF LOUISIANA, et al., Defendants.

DEPOSITION OF MRS. BETTY RUTH LEE, taken at the behest of and on behalf of Plaintiff; on January 22, 1963, in the Post Office Building, Monroe, Louisiana.

[fol. 1023] STIPULATION

It is stipulated by and between Counsel for Plaintiff and Counsel for Defendants that all formalities in connection with the taking of this deposition are waived except the swearing of the witness, including the signature of the witness.

Counsel, however, reserves the right to object to the relevancy or materiality of any question or answer in this deposition at the time that the deposition is sought to be introduced in evidence during the trial of the above entitled action.

MRS. BETTY RUTH LEE, witness called on direct examination at the instance of and on behalf of Plaintiff herein; first duly sworn, did depose and say, to-wit:

Direct examination.

By Mr. Ross:

Q. Will you state your name, please?
A. Betty Ruth Tillman Lee.
Q. Are you a negro?
A. Yes, I am.
Q. Where do you live?
A. I live at 300 Lee Street in West Monroe.
Q. Is that in Ouachita Parish?
A. It is.
Q. How long have you lived in Ouachita Parish?
A. I've lived in Ouachita Parish about 29½ years.
[fol. 1024] Q. Are you married?
A. Yes, I am.
Q. How many children do you have?
A. I have one child.
Q. Do you and your husband own your own home?
A. We are buying it.
Q. Where were you born?
A. I was born in Ouachita Parish, in West Monroe.
Q. When?
A. April 29, 1933.
Q. How much education have you had?
A. I have a B. S. Degree in Science and Physical Education, and I'm working toward an Elementary Degree.
Q. And what sort of work do you do now?
A. I am now teaching at an elementary school in Ouachita Parish.
Q. How long have you been teaching?
A. About two years, I'm going on my third year now.
Q. Have you ever been arrested?
A. No, I haven't.
Q. Have you ever tried to register to vote in Ouachita Parish?
A. Yes, I've tried once.

Q. When was that?

A. That was in about—I don't remember the exact month, but it was in about '58.

Q. And what happened when you went to register?

[fol. 1025] A. When I went to register I was given a card and told to read it, and after I read the card I was supposed to interpret it; and the person that handed me the card said that I didn't interpret it to her satisfaction.

Q. How did you get the card that you had to read?

A. She gave it to me.

Q. Just one?

A. Uh huh, just one.

Q. Have you tried to register again since then?

A. No, I have not.

Mr. Ross: I have no further questions.

Cross examination.

By Mr. Kron:

Q. Where did the Registrar get ~~that card that~~ she handed you?

A. I don't really remember just where she got the card from, but I think she took it out of her file that was under the counter; I guess it was under the counter.

Q. Do you remember what section the card was—what the card was about?

A. The card was concerning something about a Republican and a Democratic form of government.

Q. Did you interpret that correctly.

A. Well, I thought I interpreted it correctly.

Q. You thought you had?

A. I thought I interpreted it correctly.

[fol. 1026] Q. I see. You don't remember what section of the constitution it was?

A. No, I don't remember what section it was.

Q. Would you be able to identify it, do you think you could identify it if you saw it again?

A. I think I could if I saw it again.

Mr. Kron: Mr. Ross, do you have it over there? Oh, these are the cards. Cut your machine off. See if you can find it.

A. I don't see it in here.

Q. You have looked through that book—?

A. Yes, I have.

Q. —and you can't recognize it?

A. That's right.

Q. But you did say it was a short one, and not a long section?

A. Yes.

Q. And your recollection is, it was about the Democratic and Republican forms of government?

A. Yes.

Q. Now, you think your answer was correct, but you're not positive of that, are you?

A. Well, I'm not positive of that, but who am I to—how am I to know that I am so positive?

Q. I see—but you're not sure that your answer was correct?

A. I can only say that I—

[fol. 1027] Q. You thought it was?

A. —that I believe it was.

Q. All right. Why haven't you been back?

A. I haven't been back for the simple reason that I thought I interpreted it correct the first time; and if I had interpreted it correct the first time and she said it wasn't to her satisfaction, I know that if it was in a person, that if they just—I mean to say, that if they don't want it to be to their satisfaction, that I could interpret something all day, and they could still say that it's not to their satisfaction.

If it's not any particular thing in sequence there written out that I just must say, I could go on inevitable with that same testimony and she could still say, "It is not to my satisfaction."

Q. So, you didn't go back because you were sure that regardless of what you might say, she would not accept it as correct?

A. I couldn't say I'm sure, but I could say that if I had thought I interpreted the question the first time—if I thought I had interpreted it the first time and she refused me, that it would be the same way again.

Q. I see. Now, have you read recently of the change in the type of test that has been designed for registration?

A. I have.

Q. What do you understand that test to be?

[fol. 1028] A. Well, my understanding about that test is that it is written in question form, and it has at least 3—I guess about 3 answers, and you select the correct answer.

Q. Do you think you could pass that kind?

A. Well, I thought I could pass the other kind; I have no way of knowing until I get there.

Q. I see. Why haven't you been since the new test—?

A. I haven't been for a number of reasons and the main one was because I got upset over the other one, and I wanted to be completely at myself when I went the next time.

Q. You were upset over the other one?

A. Yes sir, I was.

Q. So you just became adamant about it, isn't that right?

A. Well, I don't—you'll have to interpret that word for me, because I really don't understand what you mean.

Q. Don't you have a B. S. in Science?

A. I have a B. S. in Science, yes sir.

Q. And you've been teaching school for two years?

A. Yes, I have.

Q. You don't know what the word "adamant" means?

A. No, I do not.

Q. How many years did you go to college?

The Witness: You told me to tell the truth, did you not?

Mr. Kron: Oh, yes, I expect you to.

[fol. 1029] A. Well, I am, and I don't know.

Q. How many years did you go to college?

A. I went to college four years.

Q. At Grambling, did you say?

A. I did not go to college four years at Grambling, I went to college at Agricultural, Mechanical & Normal College in Pine Bluff, Arkansas.

Q. Pine Bluff, Arkansas. You were a resident student there?

A. I was; I was a student in the dormitory, yes.

Q. You lived on campus?

A. Yes.

Q. Well, now you got your degree from what school?

A. Arkansas.

Q. From Arkansas. How long did you go to Grambling?

A. I went to Grambling one semester.

Q. One semester?

A. Uh huh. (Affirmative)

Q. Did you pass at Grambling?

A. Yes, I passed.

Q. All right. Now, you stayed at the school in Arkansas for four years?

A. That's right.

Q. All right. Now, what is a Republican form of government?

The Witness: Am I required to answer that?

Mr. Kron: You most certainly are.

[fol. 1030] A. I am? Well, the Republican form of government more or less represents—it's a centralized form, and it more or less represents—they are more or less concerned with bank interest, and so forth.

Q. All right. Now, what is a Democratic form of government?

A. Well, a Democratic form of government is more or less a decentralized form of government.

Q. Decentralized?

A. Yes. Now, I am under the impression—I am not a social studies, and my major was Physical Education, you understand; and I don't profess to know—to be outstanding, you see, in that particular field. As you know, when you specialize in a certain field, sometimes you—

Mr. Kron: No further questions.

Redirect examination.

By Mr. Ross:

Q. One more thing; is this the card that you filled out the time you went up there?

A. Yes, it is.

Q. Is that your handwriting?

A. Uh huh, that's my handwriting.

Mr. Ross: We will enter this in evidence.

The Reporter: Shall I mark it P-3?

Mr. Ross: Yes.

Q. One more thing. You're taking graduate work at [fol. 1031] Grambling, is that right?

A. No, I haven't done any graduate work at Grambling.

Q. All right, let's understand that. You went to Grambling both before and after you went to school in Arkansas?

A. Yes.

Q. One semester before, and how long afterwards?

A. About one semester before. See, I left Arkansas and came home and stayed a semester, and I went to Grambling because my mother always wanted me to go to Grambling; but at the time I wanted to go to Arkansas, because really I was interested in Physical Education, and Grambling's Physical Education at that time—they had just started it. You know, for a long time it was only for elementary teaching, and they had just started this Physical Ed Department up there; and I thought that Arkansas' department was, you know, set up better, and so I went to Arkansas. Then she kept saying she would rather for me to go to Grambling, so she told me that if I came back and would go to Grambling; that if I didn't like it I could go back to Arkansas, and that's what happened; I preferred Arkansas, and so after I stayed there a semester, she let me go back to Arkansas; and then after I finished, then I went and started certifying in Elementary Education.

Mr. Ross: No further questions.

[fol. 1032] Recross examination.

By Mr. Kron:

Q. Your understanding of a Republican form of government is that it's a centralized sort of thing and has to do with banking; is that what you said?

A. I said it more or less—that the persons more or less were interested in bank, but it is—I mean to say, it is a form of government that is for the people and by the people, I remember that.

Q. The Republican Party is made up more or less of bankers?

A. I didn't say it was made up of bankers, I said that when it was first—when the party was first started, that its interests more or less catered to bank interest, and it more or less cultivated it, if you know what I mean.

Mr. Kron: No further questions.

Redirect examination.

By Mr. Dunbaugh:

Q. Mrs. Lee, when the Registrar told you that your interpretation was not satisfactory, did she tell you what was wrong with it?

A. No, she didn't, she didn't tell me.

Mr. Dunbaugh: Thank you, Mrs. Lee, that's all.

Mr. Kron: No further questions.

Witness excused.

[fol. 1033]

PLAINTIFF'S EXHIBIT No. 25D

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action File No. 2548

THE UNITED STATES OF AMERICA,

versus

THE STATE OF LOUISIANA, et al.

The deposition of Reverend Thomas N. Phillips, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the East Feliciana Parish Courthouse located at Clinton, Louisiana, commencing at 2:05 P. M., on the 28th day of January, 1963.

APPEARANCES:

Frank M. Dunbaugh, III, Esq., Department of Justice, Washington 25, D. C., For Plaintiff.

Harry J. Kron, Jr., Esq., Assistant Attorney General, For the State of Louisiana, Capitol Building, Baton Rouge, Louisiana, For Defendants.

[fol. 1035] The witness, REVEREND THOMAS N. PHILLIPS, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. Will you state your name and your address?
A. Sir?
Q. Will you state your name and your address, please?

A. My name—Thomas N. Phillips, Route 1, Box 326, Clinton.

Q. How old are you, Reverend Phillips?

A. I was 66 the June gone.

Q. What is your occupation?

A. A pastor.

Q. Here in this parish?

A. Yes, sir.

Q. How long have you lived in East Feliciana Parish?

A. All my life.

Q. How far did you go in school?

A. Ninth grade.

Q. Do you own property here in East Feliciana Parish?

A. Well, yes, sir, we have estate property. We all have interest in the place we are living in, yes, sir.

Q. Are you a registered voter in East Feliciana Parish?

A. (The witness did not reply.)

Q. Are you registered to vote in East Feliciana Parish?

A. Not at the present. I was.

Q. When did you register when you were registered?

A. When I first registered to vote was in December 1 of [fol. 1036] '51.

Q. And how long were you registered to vote?

A. Up until they cut us off. I think it was in '58.

Q. Did you vote during that time?

A. Yes, sir.

Q. Do you know why they took you off?

A. No, sir, I really doesn't know the real reason why they cut us off.

Q. Have you tried to get back on since you were taken off?

A. Yes, sir.

Q. Do you know about how many times you have tried?

A. Well, as near as I can guess, I went there 4 or 5 times in all.

Q. I will show you what has been marked as "P-28," "P-29," "P-30," "P-31," and "P-32." Would you look at those and tell me whether or not that is your handwriting on there?

A. That's my handwriting.

Q. Would you look at all of them please?

A. (The witness so did.) That's it. That's it, yes, sir.

Q. It is your handwriting on all of those?

A. Yes, sir.

Q. What are those?

A. The registration certificate. You mean what are these?

Q. Yes.

A. The form of application for registration.

Q. These are the ones that you had filled out when you [fol. 1037] tried to reregister?

A. It must be, because this is my handwriting.

Q. Now, these are dated starting in December, 1958, on through to June, 1959. Is that about the time you were trying to reregister?

A. Yes, sir, about the time.

Q. When you went into the office to reregister, what did you have to do?

A. Well, you just go in and tell them what you came there for, you know, and he would take those cards and hold them up just like a deck of cards.

Q. These cards here?

A. No, sir, it was smaller cards, about the size—maybe a little bigger than a deck of cards. He hold them up like that and tell you to pull one of them.

Q. He would hold up a group of cards?

A. Yes, sir.

Q. Could you see what was on the cards when he held them up?

A. Not exactly until you pulled it.

Q. And then when you pulled one you could see what was on it?

A. Yes, sir.

Q. What was on the card?

A. The one I pulled was Section 7 and 8—it was the right to bear arms—I imagine I could just repeat it just like it is there—search and seizures.

[fol. 1038] Q. Did you have to fill out an application card when you went in to reregister—one of these cards here?

A. Yes, sir, it don't seem like it was quite that big, but this must be it, because that's my handwriting.

Q. Did you fill out one of these every time you went in to—

A. Every time you would go in you would have to fill out one.

Q. Did you get to pull one of these little cards every time you went in?

A. No, sir.

Q. About how many times did you get to pull those?

A. I pulled two cards.

Q. And one of them was the right to bear arms?

A. That's right.

Q. In other words,—

A. Search and seize.

Q. That was a different time, or—

A. Yes, sir.

Q. —was that the same time?

A. Different time.

Q. All right. Was there more than one thing—more than one paragraph on the little card that you pulled?

A. I want to be sure now. I'm not for sure, because I only read one, yes, sir.

Q. What did the registrar want you to do with the little card?

[fol. 1039] A. I mean—the one you pull?

Q. Yes.

A. When you pull it, he wants you to read it and interpret it.

Q. Did you read it?

A. Yes, sir.

Q. Out loud?

A. Yes, sir, I read it.

Q. To yourself, or did you read it out loud?

A. I read it out to him so he could hear it, yes, sir.

Q. And then what did you do?

A. Well, he was—then I give the interpreted, and then he said it wouldn't pass.

Q. Now, one time you said you got something about the right to bear arms?

A. Yes, sir.

Q. What did you tell him that meant?

A. I said—I said, "We bear arms, but not concealed." That's the way I interpret it.

Q. And what did he say about that?

A. He said that was wrong. He said I could have said "not concealed."

Q. What about the other time?

A. The other time my interpret was, "To search you would have to get an authorized authority to read a warrant."

Q. What did he say to that?

A. He said that wouldn't go. He said I could have just [fol. 1040] said, "read a warrant."

Q. Did he tell you anything else about it?

A. About the cards?

Q. About—did he say anything else about your explanation?

A. No, sir, no more than he told me that he couldn't accept that.

Q. I have no further questions.

By Mr. Kron:

Q. Reverend, was Mr. Dunbaugh at your house during these last few days?

A. Mr. Dunbaugh?

Mr. Dunbaugh: That's me.

A. Yes, sir.

By Mr. Kron:

Q. While he was there did you go through some cards and remember which sections you tried to interpret—

A. Yes, sir.

Q. —for the registrar?

A. Yes, sir.

Q. Are these—the cards marked Appendix B—are these the ones you looked through while he was there?

A. I don't believe these are the ones—I don't believe.

Q. Well, there are several pages of them—maybe if you would turn the page. I would like for you to show me—

A. Oh, yes.

Q. —the sections that you pointed out to him that you had to answer.

[fol. 1041] A. (The witness looked at the papers.)

Q. Is that the ones you looked over when Mr. Dunbaugh was there, or were there some other cards?

A. It seemed like it was a smaller card.

Q. Smaller card?

A. Yes.

Q. All right. On those smaller cards did you find the ones that the registrar had asked you to interpret?

A. Yes, sir.

Q. If we showed those to you now, could you remember them again?

A. Yes, sir.

Mr. Kron: Mr. Dunbaugh, do you have those cards with you?

Mr. Dunbaugh: Yes, I do. Actually it's copies of those in different form. These are the individual cards put together as they are attached.

A. This is one of them.

By Mr. Kron:

Q. You are pointing to the fourth paragraph on form number 20, is that correct?

Mr. Dunbaugh: It is the third provision, the third clause on it.

A. (The witness did not reply.)

By Mr. Kron:

Q. The third clause, the fourth sentence—

[fol. 1042] Mr. Dunbaugh: Yes.

By Mr. Kron:

Q. —on form number 20, right?

A. (The witness did not reply.)

Q. Is this what you are pointing to?

A. Yes, sir.

Q. All right. Would you read that to me?

A. "The right of the people to be secured in their personal house, papers,"—and it says, "against unreasonable

searches or seizures should not be violated, U. S. A. Constitution, fourth amendment."

Q. All right. Now, what does that mean?

A. You mean you want me to interpret for you?

Q. Yes.

A. Unauthorized authority and read a warrant.

Q. What do you mean by that?

A. I mean the person that comes to seize or search has to be authorized, that's all.

Q. Authorized by whom?

A. By the judge.

Q. Yes. What judge, the local judge?

A. According to what district he's in, is the way I heard it.

Q. I see. All right. Now, authorized with a warrant, is that correct?

A. Sir?

Q. Is that what you mean?

A. Yes, the place, the name, and the—

[fol. 1043] Q. Is there anything about a warrant—

Mr. Dunbaugh: Would you let the witness finish his answer, please?

By Mr. Kron:

Q. Is there anything about a warrant in that sentence you just read?

A. No, sir, but that was on here.

Q. On whose?

A. On the card I pulled.

Q. On what?

A. Card.

Q. It was on the card?

A. Yes, sir.

Q. That the registrar gave you?

A. Yes, sir.

Q. I thought you said this was the sentence that the registrar gave you?

A. The same reading,—

Q. All right.

A. —but it was more to it than this.

Q. More to it than that?

A. Yes.

Q. So actually then this is not exactly like the one the registrar gave you?

A. Doesn't have all the words on it, no, sir.

Q. I see.

A. Yes, sir.

[fol. 1044] Q. Now, who told you this read a warrant thing was correct?

A. Well, I felt like that is the only way if a person comes to seize or search your house, he would have to read a warrant to where he could come and seize the place he was in—where it could be seized. That's what I said.

Q. Have you checked that with anybody?

A. No, sir.

Q. You haven't discussed whether that was correct or not with anybody?

A. I have not.

Q. You have not?

A. No, sir.

Q. Now, can you find the other provision?

A. I must have overlooked it then, let me see—let me go back over it. This is it, but it doesn't have the whole reading like it does on the card.

Q. You are on form 21 and you are pointing to the third section on that page, is that correct?

A. Yes, sir.

Q. Would you read that for me?

A. "The rights of the people to keep and bear arms shall not be infringed. U. S. Constitution, second amendment."

Q. Now, what does that mean?

A. That means you can bear arms, but not conceal them.

Q. Is there anything about conceal in that sentence?

A. No, sir.

[fol. 1045] Q. Are you sure that's a correct answer?

A. Well, I'm not sure, but that's the way I felt like it was. That was read in the other one—was more reading than it was in this one.

Q. It had something about concealed in the other one?

A. Yes, sir.

Q. If I told you that the Constitution didn't have the word "concealed" in it, would I be wrong?

A. Well, I believe I read once where it had conceal in it. I wouldn't say you was wrong.

Q. You are not sure of that, though, are you?

A. Not too sure, but I think I remember reading something about conceal.

Q. I see. Did you check that answer about conceal with anyone else to be sure it was correct?

A. No, sir.

Q. Have you discussed it with anybody?

A. Nobody.

Q. No lawyer or anybody like that?

A. No, sir.

Q. Are you sure—are you positive in your own mind that those two answers are correct, or is it just your opinion that they are correct?

A. Well, I feel like that it is wrong to carry concealed weapons, and I feel the same about searching and seizing. I feel like if you were to come to my place with a search warrant, you would have to read it, and the name of the [fol. 1046] place to be searched and the article to be seized.

Q. Is that what those two provisions say?

A. No, sir, it doesn't say that.

Q. That's your understanding of it?

A. Yes, sir.

Q. What did the registrar tell you when you gave him those answers?

A. He wouldn't accept them.

Q. Tell me again what he answered you when you gave him those answers?

A. When I give him the answers on searching and seizing, he said he wouldn't accept that. He said all I had to do, he said, was say, "Read a warrant."

Q. Well, you had said that, hadn't you?

A. I said "By authorized authority to read a warrant." That's what I said.

Q. But he said you said too much?

A. Yes, sir.

Q. All right, and on the other one?

A. The same thing. He said I should have said, "Not concealed."

Q. I see. So that you said too much?
A. Yes, sir.
Q. And you are sure that is exactly the way it happened?
A. That's the way it happened.
Q. All right. Now, Reverend,—
[fol. 1046a] A. Yes, sir.
Q. —according to these cards, the last time you were in the registration office was in June of 1959. Have you been back there since?
A. No, sir.
Q. Why not?
A. Well, I just didn't go back, because—facts about it, I felt like the last time I was there and give that answer, I felt within myself that it was right.
Q. Now, are you familiar with the fact that the law has now been changed?
A. Oh, yes, sir.
Q. What do you understand about the change in the law about registration?
A. Registration—well, I'd be afraid to say exactly, because—
Q. Do they still give this interpretation test?
A. In the registration office?
Q. Yes.
A. No, sir, not that I know of.
Q. Not that you know of. Do they give any kind of tests?
A. Well, I haven't been in there since July—I mean, June of '59.
Q. Do you read the newspapers?
A. Yes, sir.
Q. You haven't seen anything in the newspapers about a change?
[fol. 1047] A. I saw something similar to the change, but I never read the whole meaning though, just how it would come about.
Q. I have no further questions.

Mr. Dunbaugh: Please attach exhibits "P-28" through "P-32" to the deposition.

Witness excused at 2:30 P.M.

[fol. 1048]

PLAINTIFF'S EXHIBIT No. 26A

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action File No. 2548

UNITED STATES OF AMERICA,

versus

THE STATE OF LOUISIANA, et al.

The deposition of D. D. ALLEN, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the East Feliciana Parish Courthouse located in Clinton, Louisiana, commencing at 9:20 o'clock A. M., on the 28th day of January, 1963.

APPEARANCES:

FRANK M. DUNBAUGH, III, ESQ., Department of Justice, Washington 25, D. C., for Plaintiff.

HARRY J. KRON, JR., ESQ., Assistant Attorney General, for the State of Louisiana, Capitol Building, Baton Rouge, Louisiana, for Defendants.

[fol. 1049] The witness, D. D. ALLEN, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. Would you state your name and address, please?
A. D. D. Allen, Jackson, Louisiana.
Q. What is your race?
A. I am white.

Q. What is your occupation, Mr. Allen?
A. Barber.
Q. You live in East Feliciana Parish?
A. Yes.
Q. Are you a registered voter here?
A. Yes, sir.
Q. When was the last time that you registered?
A. I just don't remember just how long it has been. It's been a couple or three years I guess, something like that—when they all had to register over again.

Mr. Dunbaugh: Would the court reporter mark this as "P-1"?

(The Reporter so did.)

By Mr. Dunbaugh:

Q. Would you examine what has been marked as "P-1," Mr. Allen. Can you identify that?
A. Yes.
Q. What is that?
A. "P-1."
[fol. 1050] Q. Well, what is this document?
A. It's a registration of voters.
Q. Is that an application form?
A. Yes.
Q. Is that your application form—
A. Yes.
Q. —or a copy of it?
A. Yes. My handwriting.
Q. Is that the application you filled out the last time you registered?
A. This is it, or one just like it.
Q. What did you have to do to register at that time?
A. Well, I just went in there and he handed me the blank and I taken it and filled it out.
Q. Did you have to do anything in addition to filling out the blank?
A. No, sir.
Q. Did he ask you any questions?
A. No, sir.

Q. Did you have to read and explain anything?

A. No, sir, I didn't. He just give me the blank and I filled it out and went on back to the job.

Q. How much education do you have?

A. Eighth grade.

Q. Was there anyone else registering at the time you were registering?

A. Yes, sir, there was a lot of people in there. At the [fol. 1051] time I went in there there was a lot of people in there registering.

Q. Did they all appear to be doing the same thing you were doing?

A. Well, I didn't notice, you know. I just went in there and he gave me the blank. I didn't—I just noticed there was a lot of people in there. That's about all.

Q. I have no further questions.

Mr. Kron: I have no questions. May I see this just a moment before you leave?

(Counsel examined "P-1.")

Mr. Kron: No questions.

Mr. Dunbaugh: I offer this "P-1" for attachment to the deposition.

Witness excused at 9:28 A.M.

[fol. 1052]

PLAINTIFF'S EXHIBIT No. 26C

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

Civil Action File No. 2548

UNITED STATES OF AMERICA,

versus

THE STATE OF LOUISIANA, et al.

The deposition of EVA W. DEES, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the East Feliciana Parish Courthouse located at Clinton, Louisiana, commencing at 10:32 A. M., on the 28th day of January, 1963.

APPEARANCES:

FRANK M. DUNBAUGH, III, ESQ., Department of Justice, Washington 25, D. C., for Plaintiff.

HARRY J. KRON, JR., ESQ., Assistant Attorney General, for the State of Louisiana, Baton Rouge, Louisiana, for Defendants.

[fol. 1053] The witness, EVA W. DEES, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, so help her God, testified as follows:

By Mr. Dunbaugh:

Q. Will you state your name and address, please?
A. Huh?
Q. Your name and address, please.
A. Mrs. Eva Dees, Jackson, Louisiana.
Q. Mrs. Dees,—

A. Eva W. Dees—Mrs. Eva W. Dees, Jackson, Louisiana.

Q. What sort of work do you do?

A. Well, I'm not working now. I was at the time. I was working at the East Louisiana State Hospital as an attendant.

Q. How long have you lived in East Feliciana Parish?

A. Well, now, I'm going to say 25 years. I might miss it, I don't know. I maybe have longer, but it's something like that.

Q. How long have you lived in Louisiana?

A. How long what?

Q. How long have you lived in Louisiana?

A. All my life. I was raised in Louisiana, born and raised in Louisiana.

Q. Are you a registered voter in East Feliciana Parish?

A. Yes, sir.

Q. Do you remember about when you registered?

A. Huh?

[fol. 1054] Q. Do you remember about when it was that you registered?

A. Well, let's see, it was in '59, but I couldn't tell you what month. I really don't know.

Q. I show you "P-11." Do you recognize that?

A. Oh, yes, sir, it was the first month, the 26th day, 1959. Yes, sir.

Q. What is that that you are reading from?

A. What you mean—read this whole thing?

Q. No, what is it? Just identify it, tell us what that is that you are looking at.

A. Tell me what you mean—I mean, I don't get it.

Q. This is a picture.

A. I know it's a picture.

Q. Picture of what?

A. Oh, it's a picture of where I registered. Is that what you mean?

Q. Is that the application that you filled out?

A. Yes, sir. Yes, sir.

Q. Is that your handwriting?

A. Yes, sir.

Q. All right. Now, what did you have to do to register?

A. What did I have to what?

Q. What did you have to do when you registered?

A. I had to do so much, and I had a hard time.

Q. Did you have to fill out that card?

A. Yes, sir.

Q. Did you have to do anything else besides fill out the [fol. 1055] card?

A. Well, the man was there, Mr. Palmer. He handed a strip of little cards out and I chose one. And then he read it off—something about did I think everyone should go, you know, every human being should go to the same church, and I told him I thought they should go to the church of their choice.

Q. What did he say—did he say that was all right?

A. He didn't say anything.

Q. Did you become registered?

A. Well, I got the little card. He never said nothing. I just went in there and told him I wanted to register, and he just gave me—I reckon it was this piece of paper, and I went to work on it. Don't ask me how long it taken, though.

Q. Why, did it take a long time?

A. Oh, man, I like to never got that thing done.

Q. How far did you go in school, Mrs. Dees?

A. How far?

Q. How far in school did you go?

A. About the—about the 6th grade.

Q. And you are a white person?

A. (The witness did not reply.)

Q. You are white?

A. No, sir, I'm not working.

Q. What is your race?

A. (The witness did not reply.)

[fol. 1056] Q. What is your race?

A. My race?

Q. Yes.

A. I'm American, I reckon.

Q. I mean, are you a white person?

A. Yes, I'm white. What do you mean?

Q. Well, you see, it doesn't show on the record unless you tell us that you are.

A. Oh, well, it's on that—as far as I was female or white.

Q. Do you think you would recognize the question that he asked?

A. The question that who asked?

Q. The registrar asked you?

A. He didn't ask me no questions. All he did was give me this, I reckon, and there was some more around there, and they were doing the same thing I was—having a hard time.

Q. But after you filled that out what did you have to do?

A. Nothing.

Q. But you said something about a question.

A. Well, they give me that card.

Q. What did you do with the card?

A. He didn't give it to me. He held out a bunch of cards, and I drawed one, and then he taken it back. I didn't even look at the card. He taken it back and he read on there, and he asked me something about the choice did I think every-[fol. 1057] body should go to the same church, don't you see, and I said I thought everybody should go to the church of their—what they, you know, that they thought their religion was right—of their choice.

Q. O.K.

Mr. Dunbaugh: I want to attach the "P-11" to the deposition. I have no further questions.

Mr. Kron: No questions.

By Mr. Kron:

Q. That will be all.

Witness excused at 10:38 A.M.

[fol. 1058]

PLAINTIFF'S EXHIBIT No. 26F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION
Civil Action No. 2548

THE UNITED STATES OF AMERICA,

versus

THE STATE OF LOUISIANA, et al.

The deposition of Cleo Lee, witness in the Federal Court Action, taken at the instance of plaintiff in the Federal Court Action, taken in the East Feliciana Parish Courthouse located at Clinton, Louisiana, commencing at 1:25 P. M., on the 28th day of January, 1963.

APPEARANCES:

Frank M. Dunbaugh, III, Esq., Department of Justice, Washington 25, D. C., For Plaintiff,

Harry J. Kron, Jr., Esq., Assistant Attorney General, For the State of Louisiana, Capitol Building, Baton Rouge, Louisiana, For Defendants.

* * * * * * *

[fol. 1059] The witness, CLEO LEE, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, so help him God, testified as follows:

By Mr. Dunbaugh:

Q. Will you state your name and address, please?
A. Jackson, Louisiana.
Q. And you are Cleo Lee?
A. Yes, sir.

Q. How long have you lived in East Feliciana Parish?
A. Fourteen years.
Q. How old are you, Mr. Lee?
A. Fifty.
Q. What sort of work do you do?
A. Carpenter work.
Q. How far did you go in school?
A. Sixth grade.
Q. Are you a registered voter in East Feliciana Parish?
A. Yes, sir.
Q. When you registered, Mr. Lee, what did you have to do?
A. Well, here, I'll tell you, he pulled—he just pulled that registration card, you know, and gave it to me. I filled it out; I handed it back to him and he looked at it and said, "That's all right."
Q. I'll show you what has been marked "P-22". Will you hold on to that and look at that?
A. (The witness so complied.)
Q. Do you recognize that?
[fol. 1060] A. "P-22".
Q. Well, I just marked that piece of paper "P-22". Do you know what that paper is?
A. This is the registration paper.
Q. Is that a copy of the card you filled out?
A. Yes, sir, I believe it is. I would think it was a copy.
Q. Is that your signature on there?
A. Yes, sir.
Q. And it's in your handwriting?
A. Yes, sir.
Q. O. K. Now, after you filled out the card, was there anything more?
A. No, sir.
Q. Did the registrar ask you any questions?
A. No, sir.
Q. Did he ask you to explain anything?
A. I just filled this card out and then gave it back to him, and he said, "That's all right," and that's all that was—

Mr. Dunbaugh: Would the court reporter attach "P-22" to the deposition? I have no further questions.

By Mr. Kron.

Q. Mr. Lee, is this the first time that you registered in this parish?

[fol. 1061] A. Yes, sir.

Q. You have not registered before?

A. Not in this parish.

Q. Where had you been registered?

A. Greensburg.

Q. In Louisiana?

A. In Louisiana, yes, sir.

Q. All right, and when did you register over there?

A. Well, I—

Q. How long ago was that, do you remember?

A. No, sir, I sure don't.

Q. When you went in to register in this parish, did you have your old registration card with you?

A. Yes, sir.

Q. Did you give that to the registrar, or did you show him, or tell him that you had been registered in Greensburg?

A. I told him I had been registered in Greensburg. I'm—I believe I'm—I wouldn't be for sure that I had give it to him but I had the old registration. I guess I still have it.

Q. You did tell him that you were previously registered in Greensburg?

A. Yes, sir.

Q. That's all.

By Mr. Dunbaugh:

Q. Who was the registrar when you registered in Greensburg?

[fol. 1062] A. Let me see. That's—I'm not for sure but I believe she was a Mrs. Hutchison. I'm not for sure but I'll put it that way.

Q. It wasn't a Mr. Nesom?

A. No, sir.

Q. What did you have to do to register there?

A. Just fill out the—just fill the registration card out is all there was—

Q. I have nothing further.

Mr. Kron: That's all.

Witness excused at 1:29 P. M.

[fol. 1063]

PLAINTIFF'S EXHIBIT No. 101

MINUTES OF MEETING
LOUISIANA JOINT LEGISLATIVE COMMITTEE
BATON ROUGE, LOUISIANA

October 29, 1958

The Louisiana Joint Legislative Committee was called to order by Chairman W. M. Rainach on October 29, 1958 in Committee Room 4 at the State Capitol in Baton Rouge, Louisiana, at 11:00 A.M. Secretary Ford E. Stinson called the roll.

The following committee members were recorded as present:

Chairman W. M. Rainach, Representative Carroll L. Dupont, Senator Louis H. Folse.

Representative John S. Garrett, Senator H. W. Jones, Secretary Ford E. Stinson, Representative L. D. Napper, Senator B. R. Patton, Senator Alvin T. Stumpf, and General Counsel W. M. Shaw.

Representative E. W. Gravolet, Jr. was recorded as absent.

A motion was offered by Senator Herman Jones, seconded by Senator Alvin T. Stumpf, and unanimously carried that the minutes of the meeting of October 14, 1958 distributed by the Chairman be approved without reading.

The Committee recessed and reassembled in the Executive Mansion with Governor Earl K. Long and Director of Registration, Douglas Fowler, present. A general discussion was held upon the advisability of the Joint Legislative Committee and the State Board of Registration conducting a joint program designed to bring about uniform enforcement of voter qualification laws in the State of Louisiana.

The Governor, the Director of Registration, and the Committee pledged their mutual cooperation in carrying out

such a program. It was mutually agreed that, in order to place the program into effect, a series of conferences would be held in each Congressional District of the State as rapidly as feasible, and that the State Director of Registration, the Committee, and all state, district, and local officials concerned with registration in each Congressional District be invited to the Conference for the District. As soon as the district conferences are completed, follow-up activities would be undertaken in the individual parishes as required.

There being no further business, the meeting was adjourned.

Ford E. Stinson, Secretary W. M. Rainach, Chairman

[fol. 1064]

PLAINTIFF'S EXHIBIT No. 102

DISTRICT-WIDE CONFERENCE ON UNIFORM ENFORCEMENT OF LOUISIANA VOTER QUALIFICATION LAWS

SPONSORING GROUPS: The Louisiana Joint Legislative Committee
The Louisiana Board of Registration

AGENDA

1) Registration.
2) Introduction of Officials
3) Federal Constitutional and Statutory Provisions Affecting the Administration of State Voter Qualification Laws and Jurisprudence Relative Thereto.
4) Constitutional and Statutory Provisions of the State of Louisiana Governing Voter Qualifications and Jurisprudence Relative Thereto.
5) Legal Duties of Registrars of Voters, and Other Public Officials in Connection with the Administration of Louisiana Voter Qualification Laws.

[fol. 1065]

PLAINTIFF'S EXHIBIT No. 106

MINUTES
FIFTH CONGRESSIONAL DISTRICT CONFERENCE ON UNIFORM ENFORCEMENT OF LOUISIANA VOTER QUALIFICATION LAWS

January 8, 1959

SPONSORING GROUPS: The Louisiana Joint Legislative Committee
The State Board of Registration

The Louisiana Joint Legislative Committee and the Director of the State Board of Registration held a joint conference with public officials of the Fifth Congressional District on January 8, 1959, at Monroe, Louisiana, in the Court Room of the Ouachita Parish Courthouse. The Meeting was held for the purpose of formulating plans to bring about uniform enforcement of the voter qualification laws of the State of Louisiana.

The following were recorded as present:

Committee Members:
Chairman W. M. Rainach, Senators H. W. Jones, B. R. Patton, and Louis H. Folse, Representatives John S. Garrett, and Ford E. Stinson.

(Committee Members Absent:
Senator Alvin T. Stumpf, and Representatives E. W. Gravolet, Jr., Carroll L. Dupont, and L. D. Napper.)

Committee Counsel:
W. M. Shaw

Director, State Board of Registration:
Douglas Fowler, and Mrs. Harris, Secretary

Attorney General, State of Louisiana:
Jack P. F. Gremillion

First Assistant Atty. Gen., La.:
George Ponder

Registrars of Voters, Fifth Congressional District:
Johnie L. Kelly, Caldwell Parish
Mrs. Mary T. Swaggart, Catahoula
Mrs. Myrtle Cole Beard, East Carroll
Mrs. Mary H. Reed, Deputy Registrar, East Carroll
Mrs. W. A. Hatton, Franklin
Mrs. Boudreaux, Assistant, Franklin
Mrs. Estelle Wilder, Jackson
Mrs. J. E. Jones, Lincoln
Miss Katherine Ward, Madison
Mrs. Margaret M. Larche, Morehouse
Mrs. Mae Lucky, Ouachita
Mrs. Mae Morin, Deputy Registrar, Ouachita
Mrs. Lula E. Cheek, Richland
B. W. Berry, Tensas
Woodrow W. Farrar, Union
Mrs. Ora Cameron, West Carroll
Mrs. Margaret Crow, Deputy Registrar, West Carroll

Registrars Absent:
Henry Rucker, Concordia

District Attorneys, Fifth Congressional District:
Ragan D. Madden, 3d JD (Lincoln, Union Parishes)
Albin P. Lassiter, 4th JD (Morehouse and Ouachita)
Carey Ellis, Jr., 5th JD (Franklin, W. Carroll, Richland)
Edward Lee, Assistant District Attorney, 5th JD
T. L. Clarke, 6th JD (East Carroll, Madison, Tensas)

[fol. 1066]
(District Attorneys Absent:
D. W. Gibson, 7th JD (Catahoula, Concordia)
C. C. Minard, 28th JD (Caldwell Parish))

Sheriffs, Fifth Congressional District:
John W. Gilbert, East Carroll
Jesse J. Riser, Lincoln
C. E. Hester, Madison
Bailey Grant, Ouachita
Jurd G. Stewart, Union

(Sheriffs Absent:
G. E. (Buddy) Erskine, Caldwell
George McGee, Catahoula
Noah W. Cross, Concordia
Hiram B. Waller, Franklin
Lloyd G. Bryant, Jackson
E. L. Hinton, Morehouse
Earl E. Hill, Richland
Elliot D. Coleman, Tensas
J. R. Butler, West Carroll)

Police Jury Presidents:
Herman Gibson Concordia
A. J. Riser, Franklin
John A. Mitchell, Lincoln
W. M. Scott, Madison
Ralph Dunn, Morehouse
M. W. Montgomery, Ouachita
E. R. McDonald, Tensas
E. R. Rogers for Dennis Long, Union
H. E. Philley, West Carroll

(Police Jury Presidents Absent:
Ross C. Dark, Caldwell
D. E. Woodin, Catahoula
S. K. Mitchener, East Carroll
J. Earl Alexander, Jackson
J. U. Douciere, Richland)

Others Present:
Frances P. Mims, Acting Secretary, Homer, La.
Francis M. Ward, President Fifth Congressional District Assn. of Citizens' Councils, Tallaluh, La.

Vaughn L. Phelps, Secretary, 5th Dist. Citizens' Council, Monroe, La.
Sen. Hubert Sims, Mer Rouge, La.
L. C. Harbin, Lake Providence, La.
Paul R. Davis, Shreveport, La.
L. A. West, Monroe, La.
J. B. Anderson, KNOE-TV, Monroe, La.
Mrs. Katherine Richards, Lake Providence, La.
Mrs. E. H. Johnston, Lake Providence, La.
W. E. Persons, Ferriday, La.
Harry Garland, Opelousas, La.
Jack Womack, Opelousas, La.
Youric Chachere, Opelousas, La.
W. R. Barstow, Opelousas, La.
Mr. Cheek, Rayville, La.
Sam Hanna, News-Star-World, Monroe, La.

[fol. 1067] Chairman Rainach presented the historical background to the program of voter qualification law enforcement, tracing it from the Reconstruction Era to the present date, and outlined the part that the program would play in maintaining the State's separate school system and other domestic institutions and powers. Mr. Rainach used a number of exhibits to illustrate and document his points.

Registration Director Fowler then addressed the group, pledging the full cooperation of his office to the proposed program of voter qualification law enforcement in Louisiana, and listing the following four points of legislation which he feels should be enacted in order to improve the operations of his office and those of the registrars:

1) The working hours of the registrars presently from 9:00 a.m. to 1:00 p.m. and from 2:00 p.m. to 6:00 p.m. should be changed to conform to the hours of most other public offices (8-12: 1-5).

2) The present system of paying one-half of the registrars salaries by the parish police juries and the other half by the State should be changed to a consolidated payment system. Mr. Fowler stressed the difficulties caused by a divided-source system, particularly with reference to income tax withholdings. He recommended that a central

paying system be adopted so that the registrars' incomes would be received from one source. He suggested that this responsibility be assigned to the State Board of Registration, if feasible.

3) The Registrars and the State Board of Registration should be removed by law from politics. He stated that the Board is still operating on the same basic principles as in 1898 when it was first created, and that many efficient registrars were lost due to political pressures being brought to bear, resulting in their removal from office. Mr. Fowler said he felt that the registrars and the Director of Registration could render far greater service if their positions were not so subject to political pressures.

4) Adequate funds should be appropriated for the State Board of Registration so that it could operate properly. He emphasized, "We need funds; we need additional personnel; we need reorganizing."

Chairman Rainach introduced the Honorable Jack P. F. Gremillion, Attorney General, State of Louisiana.

Mr. Gremillion spoke briefly to the group, relating the legal history of his office covering the segregation suits which have been filed in the State up to this time. He expressed the opinion that the offices of the Registrars of Voters of the parishes are extremely important adjuncts to our battle for maintaining a segregated society in the State, and pledged the fullest cooperation of his office to their efforts to operate their offices within the strictest terms of Louisiana laws.

"I believe," he said, "that the time may have come when the Registrars of Voters should be elected by the parish. This may be the answer to many of the problems which the registrars now face."

Following Mr. Gremillion's talk, the Chairman introduced First Assistant Attorney General George Ponder, who likewise pledged the assistance of the Attorney General's office to the Registrars and others who might require such assistance in connection with the fulfillment of their particular official duties.

At this point, Chairman Rainach stated that he felt the state-wide program now getting underway would prove the

key to victory in maintaining our way of life. "Every bit of information from the opposition, indicates that the whole integration battle is being fought primarily for the illegally registered Negro block vote. We used voter qualifica-
[fol. 1068] tion laws in 1898 to clean up our registration rolls, when we faced this problem the first time, and here today we are organizing to use them again for the same purpose," he said.

General Counsel Shaw then discussed federal constitutional and statutory provisions affecting the administration of state voter qualification laws and the jurisprudence relative thereto. Attorney Shaw counseled the registrars to advise the Attorney General, the Joint Legislative Committee, the State Board of Registration, their District Attorneys, Sheriffs, and Presidents of Police Juries of any requests made to them by representatives of the federal "Civil Rights" Commission or other federal agencies. He advised them to require that such requests be placed in writing, that they reply to the written requests only after consulting all legal assistance available to them from the State, and that such replies be placed in writing also, copies being distributed to the same parties to which copies of the request are distributed.

In reply to questions, Mr, Shaw stated that to determine the qualifications of applicants, the registrars could clear their offices and examine only one applicant at a time, under the administrative authority granted them by law. The registrars also could restrict the frequency and number of re-examinations allowed an applicant, after the applicant had been given a reasonable opportunity to qualify and had failed to do so.

Mr. Shaw distributed sets of cards containing 24 constitutional clauses as models for use by the registrars in determining the ability of applicants to interpret the Constitution of the State of Louisiana and the United States, and discussed proper methods for using the cards.

In discussing the requirements that applicants be of good character, Mr. Shaw advised registrars that applicants for registration may be disqualified as unfit characters if they are guilty of concubinage, or if they have illegitimate offspring.

Mr. Shaw enumerated the penalties applying to registrars for failure to enforce the voter qualification statutes, and the penalties against other officials and private persons who violate Louisiana voter qualification and registration statutes, or who swear falsely in connection with the registration of voters. He reviewed the pamphlet, *Voter Qualification Laws In Louisiana*, as a guide for registrars of voters and others in enforcing the law and stated that the pamphlet would be mailed with the minutes to each person attending the meeting or invited to be present.

Attorney General Gremillion asked for permission to interrupt the meeting long enough to announce the necessity for his departure and to say that the Annual Conference of his office and all Louisiana District Attorneys had been set for February 20 in New Orleans. Mr. Gremillion said that the Annual Conference would feature a 2-hour forum, to be conducted under the supervision of District Attorney Thompson L. Clarke, Sixth Judicial District of Louisiana, on the subject of registration laws presently in effect in Louisiana. "The assistance district attorneys can render registrars of voters in their problems will be the primary subject of discission in this field," he stated.

[fol. 1069] Attorney General Gremillion said: "The legal, legislative and executive branches of this State are agreed on seeing that our voter qualification laws are enforced."

Following Mr. Gremillion's departure, Mr. Shaw completed his briefing of registrars concerning the qualifications necessary for voter applicants before they may register to vote in Louisiana. "Complete instructions," he told his audience, "may be found in the pamphlet, *Voter Qualification Laws In Louisiana*."

Chairman Rainach announced that plans are underway for similar hearings in the other congressional districts of of the State, after which the drive would move to the parishes themselves as needed to uniformly enforce Louisiana voter qualification laws and clear the rolls of illegally registered voters in every parish of the State.

The meeting was adjourned at 2:30 p.m.

Ford E. Stinson, Secretary

W. M. Rainach, Chairman

[fol. 1070]

PLAINTIFF'S EXHIBIT No. 108

MINUTES
SEVENTH CONGRESSIONAL DISTRICT CONFERENCE ON UNIFORM ENFORCEMENT OF LOUISIANA VOTER QUALIFICATION LAWS

January 28, 1959

SPONSORING GROUPS: The Louisiana Joint Legislative Committee
The State Board of Registration

The Louisiana Joint Legislative Committee and the Director of the State Board of Registration held a joint conference with public officials of the Seventh Congressional District on January 28, 1959, at Lake Charles, Louisiana, in Court Room A of the Annex of the Calcasieu Parish Courthouse. The meeting was held for the purpose of formulating plans to bring about uniform enforcement of the voter qualification laws of the State of Louisiana.

The following were recorded as present:

Committee Members: Chairman W. M. Rainach; Secretary Ford E. Stinson; Senators Louis H. Folse, H. W. Jones, B. R. Patton; Representative John S. Garrett.

Committee Counsel: W. M. Shaw

(Absent: Senator Alvin T. Stumpf, and Representatives E. W. Gravolet, Jr., Carroll L. Dupont, and L. D. Napper.)

Director, State Board of Registration: Douglas Fowler; Secretary to Mr. Fowler, Mrs. Beatrice R. Harris.

Assistant Attorney General: Edward M. Carmouche, representing Attorney General Jack P. F. Gremillion.

Registrars of Voters: Seventh Congressional District.
M. J. Judice, Acadia Parish
Mrs. Marjorie L. Breaux, Deputy Registrar, Acadia Parish
Mrs. Hazel J. Nixon, Deputy Registrar, Allen Parish, representing Villery Montou.
Mrs. Lillicon M. Cutrer, Calcasieu Parish
Mrs. Ursula Burnett, Beauregard Parish
Miss Wynona Welch, Cameron Parish
Otis Fontenot, Evangeline Parish
Mrs. Bertha Marcantel, Jefferson Davis Parish
Miss Ruby C. Ryder, St. Landry Parish

District Attorneys: Bernard N. Marcantel, Allen & Jefferson Davis; Edward Shaheen, Calcasieu & Cameron, was in and out of the meeting but his representative, Fred Selby, was present all time.

(Absent: Bertrand D. DeBlanc, Acadia Parish; Peter S. Anderson, Beauregard Parish; J. Y. Fontenot, St. Landry Parish; L. O. Fusilier, Evangeline Parish.

Sheriffs:
Mr. Macilly representing Henry A. Reid, Jr., Calcasieu Parish,
Lee Aucoin representing Frank Cazan Fontenot, Evangeline Parish.

(Absent: Walter V. Larcade, Acadia Parish; Ralph L. Thompson, Allen Parish; Paul N. Stark, Beauregard Parish; O. B. Carter, Cameron Parish; Azenor Buller, Jefferson Davis Parish; D. J. Doucet, St. Landry Parish.)

[fol. 1071] *Police Jury Presidents*:
Marcus Kirk representing M. W. Scanlon, Acadia Parish H. M. Deshotels representing Dan W. Wilson, Evangeline Parish A. B. Mount, President, State Association of Police Juries, Calcasieu Parish.

(Absent: A. E. Sigler, Allen Parish; T. Coleman, Beauregard Parish; Eraste Hebert, Cameron Parish; Glenn I. Golden, Jefferson Davis; Johnnie A. Haas, St. Landry Parish.

Others:
P. O. White, Lake Charles Citizens' Council
William R. Tete, Attorney, Lake Charles, Louisiana
William Morgan, Lake Charles, Louisiana
Rex Smelser, Lake Charles, Louisiana
Donald Soileau, Mamou, Louisiana
Gene Hughes, Reporter for the American Press
Mr. Kohnke, Reporter for the American Press

Chairman Rainach opened the meeting at 10:30 A.M. In his opening remarks, he stated that later in the meeting he would present the historical background to the program of voter qualification law enforcement, tracing it from the Reconstruction Era to the present date. He said he intended to outline the part the program will play in maintaining the State's separate school system and other domestic institutions and powers.

Registration Director Douglas Fowler then addressed the group briefly, pledging the full cooperation of his office to the proposed program of voter qualification law enforcement in Louisiana, and listing the following six points of legislation which he feels should be enacted in order to improve the operation of his office and those of the registrars:

1. Office hours of the registrars should be made to conform with present day customs as well as customs of the respective parishes.
2. Adequate provisions should be made for pay of the registrars and the Director of Registration.
3. Salaries should be paid from a centralized office to facilitate deductions, etc. so that registrars may be paid by one check as is any other State employee.
4. Registrars' offices and the Director of Registration should be removed from the political arena, so that the state law can be enforced without political interference.
5. Each parish should have a deputy registrar authorized by law so that in cases of emergencies, such as some parishes have experienced, someone would be

legally authorized and qualified to take over the office.

6. A need for tolerence and understanding of the problems of our registrars by the public is necessary for proper administration of their offices.

[fol. 1072] Upon being introduced, Assistant Attorney General Edward M. Carmouche announced that he was present by request of Attorney General Jack P. F. Gremillion and that he had been instructed to appear in behalf of the Attorney General's office and offer the full facilities of that office to the Seventh District officials in connection with the execution of their responsibilities in the field of voter registration law enforcement.

Mr. Carmouche called the registrars' attention to passage of a law in the 1958 General Session of the Louisiana Legislature directing the Attorney General to advise and defend the registrars in matters involving federal authority, and then read from three opinions rendered by the Attorney General in which he pointed up the responsibility of his office to render all possible legal aid to registrars and others involved in the enforcement of statutes pertaining to voter law enforcement, and in which clarification of statutes affecting voter registration laws was made.

At this point in reply to a question by Mr. A. B. Mount, President of the Calcasieu Parish Police Jury, Mr. Douglas Fowler said; "I would readily agree that the State should continue its present support of the operation cost of the registrars' offices, but the entire supervision should be in the hands of the police juries. Something needs to be done and I believe in home rule. The juries are closer to the problems; they should make policy decisions, with only a power of review being vested in the State."

Mr. Rainach then summarized briefly the opinions presented by Mr. Carmouche:

"1) The Campbell and Campbell opinion says that federal officials who come into your office have a right *under the laws of the State of Louisiana* to examine your voter rolls provided they are registered voters of the State of Louisi-

ana. Such an examination must not interfere with the conduct of your office, and the time permitted for the examination may be fixed at your discretion. If any official or person, however, wishes to photostat your records, he must first secure the signatures of 25 registered voters of the State on a petition to you before you permit him to do so.

"2) Under the Joint Legislative Committee opinion discussed by Mr. Carmouche, the registrar has, under the present law, the right to examine applicants for registration *one at a time privately* if he thinks the situation requires such in order to properly determine the applicant's qualifications. *Only the registrar has the power to determine an applicant's qualifications.*

"3) The Bushnell opinion says that police juries have no authority to *direct* that registrars use the sample constitutional test cards which we have distributed to you here today. They have the right, however, to adopt resolutions directed to their registrars, recommending that they use them, and such recommendations carry great weight, in view of the fact that the police juries appoint registrars, provide their quarters, and in many other ways affect the operations of their offices."

Mr. Rainach then proceeded to discuss the background for the reasons prompting the Committee to hold the various Congressional District meetings and initiate the program for enforcement of voter qualification laws. He traced the origin of voter qualification laws during the Reconstruction Era, which closely parallels our own period, and discussed the part the Committee's program would play in maintaining the State's separate school system and other domestic institutions and powers, emphasizing the necessity for close coordination between all public officials, particularly the registrars of the State, and the citizens themselves. Mr. Rainach used a number of Reconstruction, Communist, N.A.A.C.P., statistical and other exhibits to illustrate and document the following points:

[fol. 1073] 1. Registrars have become critically important officials and they should be helped by other public officials, as well as the general public, since

they have become the focal point of the solution to our problems.

2. According to Communist, NAACP, and Negro publications, the Negro bloc vote is the key objective in the political fight for the balance of power on the national scene. U.S. News and World Report concurs and says the Negro holds 4,000,000 votes throughout the United States.

3. The fight for school integration in the South has shifted from the courts to the political arena, from legal moves to a fight for the votes of Negro masses who must be fully registered before their full political power can be brought to bear.

4. Our chief enemy, who is creating the struggle and causing strife between the races, is the Communist Party.

5. During the Reconstruction Period in 1868, Negroes were voted into state and local offices through the power of Negro ballots, and integrated schools were established in Louisiana under a Reconstructed Constitution adopted by the Negro vote.

6. The Negro population in Louisiana, now 32%, could very easily shift the balance of Louisiana political power in the direction that it shifted during the Reconstruction Era, if Negroes are permitted to register without regard to qualifications provided by law.

7. In 1897, our forefathers in Louisiana started a program of voter qualification law enforcement, knowing that such a program would provide the solution to their problems.

8. Louisiana is now operating under the Constitution of 1921, and the voter qualification laws contained in our present Constitution, which were handed down to it from the Constitution of 1898, are adequate to solve our present problems, if they are uniformly enforced without distinctions as to persons.

In closing, Mr. Rainach stated, "We will prove that every parish must eventually enforce our voter registration laws. The entire emphasis in the integration struggle is shifting to the field of voter qualification enforcement," he said, [fol. 1074] "and the program we are beginning here today will prove the solution to our problems, not only in this section of our country, but for the entire United States. Our Committee might reduce this entire program to these questions: What is the federal position? What is the State's position? What is YOUR position? And what shall we do?

Committee Counsel W. M. Shaw was introduced at this point, and requested to detail to those present the meaning of federal constitutional and statutory provisions affecting the administration of state voter qualification laws and jurisprudence relative thereto. Mr. Shaw made the following points:

1. Voting is not a right but a privilege. This privilege is provided by the state and not the federal government, whose power is only negative. The federal constitution bans discrimination as to sex, race, color, or previous condition of servitude, and criminal acts of violence in connection with such discrimination, but it does not provide for any federal registration or voting laws, rules or regulations whatever.

[fol. 1075]

2. The federal government has adopted a "Civil Rights" Act, which provides for a trial without jury in criminal contempt of court cases. This and other provisions of the Act are clearly unconstitutional, and it is believed they will be so held when tested.

   Some powers of the Civil Rights Commission are:

   A. The Commission may take testimony of a witness behind closed doors and may release only such testimony, or portion of such testimony, as the commission desires. The witness from whom such testimony was taken may not release his testimony, or any portion of such testimony in

answer to the release of that testimony by the chairman, under penalty of contempt of the Commission. The witness may not have a transcript of his own testimony without permission of the Commission. These provisions are clearly unconstitutional.

B. By law, the Civil Rights commission must have on file a sworn complaint before the Commission can legally investigate an area. Anyone being investigated by the Commission should exercise his right to a copy of the affidavit.

C. As of June 15, 1958, no written complaints had been registered with the Commission.

D. The Commission was created for a two-year period, which has almost elapsed. The Commission must go before the present Congress and have its time extended if it is to remain in power. This is evidently the purpose of its Alabama investigation, which is before the courts in that state. Its investigations there give the Commission a reason for having its time extended.

3. The Civil Rights Commission can cause no concern for registrars if they adhere strictly to the laws now on our books and do not discriminate in the administration of the laws. There is no need for discrimination on the part of the registrars in order to substantially eliminate the bloc vote—since nature has adequately done this for us.

4. Registrars do not have to worry about the F.B.I., as well as agents of the Civil Rights Commission. They do not have to answer questions put to them by either. If any federal official or employee comes into a registrar's office, the registrar should ask that he put any request in writing and inform him that he will take the written request under advisement. The registrar should then notify the Attorney General, the Director of the Board of Registration, the Joint Legislative Committee, his police jury presi-

dent and his district attorney. F.B.I. Agents usually come in pairs to see a registrar and one takes notes while the other asks questions. In that manner, they have something to back up their work, while the registrar does not unless he follows the same procedure or requires that everything be placed in writing. In case of verbal interviews, the F.B.I. Agent should not be depended upon to give a completely truthful account of the interview.

5. Where federal authority is involved, the Attorney General is now required to advise and defend registrars, as provided by an Act of the 1958 General Session of the Louisiana Legislature.

[fol. 1076] General Counsel Shaw, at the request of Chairman Rainach, next discussed the *State's powers in the field of voter registration.* "To the extent that we enforce all our laws fully and efficiently, is the extent to which we will have a government of which we can be proud," Mr. Shaw told his audience.

Mr. Shaw instructed the registrars on the contents and meaning of the laws providing for qualifications of voters. A booklet written by Mr. Shaw and Senator Rainach entitled *Voter Qualification Laws in Louisiana* was given to each person attending the meeting and Mr. Shaw informed the group that voter registration laws were being honored more in the breach than in the observance.

Points of qualifications given by Mr. Shaw were:

1. Personal appearance by the applicant is necessary for registration.

2. Identification of person and proof of residence is required if the applicant is not known personally by the registrar. The registrar may require that the person have two registered voters of the person's precinct appear to identify him if the registrar is not satisfied with the person's own identification. This procedure is particularly applicable to Negroes, since it is difficult for most registrars, who are white, to differentiate between persons of the Negro race, determine age, etc.

3. The registrar is advised to check over his rolls periodically, since many registrants may have moved or designated an incorrect ward or precinct for his place of residence, and other irregularities may be found in connection with the registration of various applicants.

4. Ability to Read and Write:

   A. The law provides that an applicant must fill out his card with no help from anyone, including the registrar, or reference to any memorandum whatsoever. According to an opinion from the Attorney General, a registrar may designate his own administrative procedure, and accordingly may exclude all but one applicant at a time from his office in order to adequately and uniformly test the applicant's qualifications. As a matter of precaution, it is always best to avoid having too many people in the office at one time.

   B. The number of times an applicant who fails to qualify may reapply is a practical matter for the registrar himself to determine. There are no legal minimum or maximum limits provided.

5. Illiteracy, disability, inability to read and write the English language.

   A. There is a provision under the law whereby an illiterate may register. This provision is made for illiterates of exceptional ability. The law does not intend to permit all illiterates to register.

   B. An illiterate applicant must present two witnesses from the applicant's own precinct who shall sign an affidavit attesting to the truth of the applicant's statements as to his illiteracy.

   C. The above-named applicants, as well as all others, must be of good character and must be able to interpret any clause from the Constitution of Louisiana or the United States.

6. The key to the solution of our whole problem lies in interpretation of the Constitution—our best test of intelligence. In applying this test, the registrars were advised to use a set of 24 model cards distributed to all present.

A. The registrar should fan the cards out and let each applicant choose his own card at random so that there will be no chance of discrimination. Each card lists three questions on the Constitution of Louisiana or the United States. Each test must be administered impartially.

[fol. 1077]

B. The applicant must give a reasonable interpretation of the specific clause of the constitution—not a legal interpretation in which the citation of court cases, etc., would be required. The registrar uses his own discretion in determining whether or not the applicant meets the constitutional test.

C. The federal government gives similar constitutional tests to immigrants who apply for citizenship in the United States.

D. Constitutional tests are a test of native intelligence and not "book learning." Experience teaches that most of our white people have this native intelligence, while most Negroes do not.

E. Upholding the laws of our state will eliminate most local pressures which come to bear upon the registrar. Officials who try to impose their own will upon the registrar in violation to state law will soon be afraid to make such attempts.

F. The people themselves will support the registrars, once they understand what our program is. In fact, they will demand that the constitutional tests be given.

G. Procedures in registering voters must be kept uniform throughout the state. They must be the same in Claiborne as in Orleans.

7. Good character of the applicant must be established. Parents of illegitimate children are ineligible for registration.

   A. The Welfare Department is now reviewing its policies with regard to releasing information to officials for the purpose of establishing the character of parents of illegitimate children on welfare rolls who also are applicants for voter registration.

8. The following persons are ineligible for registration:

   A. Any person confined in a public prison. Such persons may be removed from the rolls. After the person is released from public prison, he may apply for re-registration if he so desires. An established policy should be provided by the state for some official, such as the clerk of court, to notify registrars of persons placed in public prisons.

   B. Inmates of charitable homes. The Soldiers' Home and the United States Marine Hospital at Carville are excepted from this clause.

   C. All interdicted persons.

   D. All notoriously insane persons.

   E. Deserters from military service.

   F. Those dishonorably discharged from military service.

9. On the back of each of the 24 constitutional test cards is a suggested resolution which may be passed by the policy jury of the respective parish, which has the effect of giving support to the registrar. The passage of this resolution is advised, but its passage is not necessary for the registrar to put the constitutional test into effect. Past experience has shown that the people want the police juries to pass this resolution, however.

10. The registrars should not tell an applicant the ward or precinct in which the applicant resides. Remedies are:

    A. The registrar may hang a precinct map in his office to which the applicant may refer.

    B. Other officials may help the applicant before registration outside the registrar's office if they so desire.

[fol. 1078]

11. It is advisable to notify the parish newspapers of changes in registration policy within the parish so that the public may be advised of the changes. The papers should also notify the public to come in early and register, since constitutional tests will take more time for each person than the previous policy. The public should be advised that they should avoid last minute rush periods, which might possibly prevent some applicants from registering at all.

12. Registration laws were put on the books for the purpose of screening, they were meant to keep unqualified people off the rolls, not for putting such people on.

The following questions from the floor were answered by Mr. Shaw and Senator Rainach at this time:

Question: "Is the registrar the only one who judges the test?"

Answer: "The registrar is the only one who can say applicant has passed a test."

Mr. Aucoin: "If the registrar becomes too lenient, who will be in position to see that he does enforce these laws?"

Answer: "Voter qualification laws are laws of the State of Louisiana. There are stiff penalties for violation of the laws. Violations may be prosecuted

by the district attorney or, in the event he fails, by the Attorney General."

Question: "Does your Committee have any authority to enforce the law?"

Mr. Rainach: "No. Our primary objective is to make investigations and recommend legislation. In addition, we are charged with the responsibility of leading the fight against the federal government and private groups who are encroaching upon our constitutional right to run our own state government."

Mrs. Ryder: "I think a Committee of your kind can be of great help to us. We have done wrong, but we can't throw it off by ourselves. Our people will not allow it. I mean those who have been registered for thirty years. How can you remove them from the rolls?" (Meaning those not qualified.)

Answer: "The enforcement of voter qualification laws in the future would, of course, apply only to new registrants. It would not affect unqualified people already registered unless their fitness as qualified voters were challenged under one of the three methods provided by law."

At this point, Mr. Shaw stated that in reference to the Bushnell opinion read by Mr. Carmouche relative to the use of constitutional test cards and the adoption of a resolution by the police juries recommending their use by registrars that Attorney General Gremillion based his opinion upon two misleading questions put to him. He stated that the Attorney General had authorized him to say that there would be a clarification made of the opinion.

"The second thing to be clarified," Mr. Shaw said, "was the question of removal from the rolls of people actually confined in public prison. Persons imprisoned (this includes parish jails), should be removed from the rolls while in prison. They should be notified of their removal from the rolls after they are free, and advised that they may apply for re-registration, unless they have been convicted of a

felony and served a prison term for the same, in which case they lose their franchise."

[fols. 1079-80] Mr. Fowler requested registrars to adhere to the practice of accepting only as many challenges to voters as may be processed within the day, due to the law which requires that all challenges be processed within 48 hours.

He cited the Ouachita Parish case, in which approximately 8,000 challenges were made almost simultaneously, and told of how it became impossible to meet the legal requirements with reference to processing them within the time limit allowed. He stated he felt sure that challengers would refrain from offering a greater number of challenges than the registrar could process within the time limit, if the registrar requested cooperation in this regard.

Chairman Rainach discussed the statistical sheets distributed which shows the number of registered voters by congressional districts and by race.

Following an announcement that the district meetings will be followed up by visits to individual parishes by the Committee along with the Director of the Board of Registration, as developments require, the meeting was adjourned at 1:45 P.M.

Ford E. Stinson, Secretary

W. M. Rainach, Chairman

[fol. 1081]

PLAINTIFF'S EXHIBIT No. 112

31 December 1958

Mrs. Ora Cameron
Registrar of Voters
West Carroll Parish
Oak Grove, Louisiana

Dear Mrs. Cameron:—

There will be a joint meeting of all the Registrars of Voters of the 5th Congressional District and the members of the Louisiana Joint Legislative Committee on Segregation, on Thursday morning, January 8, 1959, at 10:00 A.M. o'clock, in the Courtroom, on the second floor of the Ouachita Parish Court House at Monroe, La.

Your presence is needed and expected at this meeting and it will be agreeable for you to close your office on this date for the purpose of attending this meeting.

The object and purpose of this meeting is to formulate plans in working toward uniformity in the enforcement of the registration laws of our State, and to get better acquainted with the public officials who are members of the Segregation Committee, and to seek their advice and help in our work together, as well as give to the Committee some of the problems that we are now facing.

Looking forward to seeing you at this meeting, and with kind personal regards, I am

Sincerely,

Douglas Fowler,
Director

DF/trk

CC: Senator W. M. Rainach

[fol. 1082] PLAINTIFF'S EXHIBIT No. 123

(Letterhead of Board of Registration, Baton Rouge, State of Louisiana)

January 16, 1961

Dear Registrar:

Because of the new laws affecting registration, which have been passed recently, there seems to be much confusion in registration procedure. We submit to you the steps of procedure which you must follow, for your own protection, and for your assistance in upholding the laws. So that this may be done without discrimination as to race, color, creed, or religion, we submit the following actual working steps:

1. Question applicant as to time in State, Parish and Precinct. Require proof of time of residence, if necessary. Suggested types of proof:

(a) Drivers license bearing name of applicant and showing address to be in state and parish which was issued at least one year prior to date of application for registration. New act provides for parish residence of only six months.

(b) Homestead exemption certificate for previous year.

(e) Selective Service registration card. This can be or gas).

(d) Library card for previous year.

(c) Selective Service registration card. This can be double checked through local Selective Service Board.

(f) Rent receipts for past twelve months.

(g) Deed or contract to purchase home (one year old).

(h) Hunting or fishing license for previous year.

(i) Copy of application for automobile license plates for previous year.

(j) Letter from reputable firm or individual stating that they know the applicant personally and that applicant has lived in the state and parish for the required period as prescribed by law.

(k) If applicant cannot produce any of the above documents or if the Registrar has good reason to doubt that the applicant is the person whom he or she represents himself to be, then the Registrar has the legal authority to require the applicant to produce two registered voters who live within the same precinct as the applicant and require them to sign an affidavit to the effect that the applicant is entitled to register to vote.

[fol. 1083] 2. If applicant has been registered in another parish of the State, take up registration card or certificate from previous parish or have applicant sign affidavit to be returned to former parish for cancellation.

3. Have applicant read a portion of the preamble of the Constitution.

4. Have applicant write from dictation given by the Registrar, a portion of the preamble to the Constitution.

5. Present application to be filled out, after placing applicant in proper ward and precinct. In the case of a married woman, Registrar should instruct her to write her first name, maiden name and married name. Also, applicant should be advised that he or she will be allowed ample time to study and fill out the application form.

6. After applicant fills out application, he returns to counter with application to be checked by Registrar or Assistant as to correctness of application.

7. If correct, applicant shall be able to understand and give a reasonable interpretation of any section of either Constitution when read to him by the Registrar. (All rejected applications should be placed in an alphabetical file so they may be examined in case a court proceeding should be filed by a rejected applicant.)

8. Signs affidavit affirming that he will faithfully and fully abide by all of the laws of the State of Louisiana.

9. Signs permanent registration voting certificate in duplicate, in case of permanent registration, or, where four year registration is in effect, the applicant must sign the proper precinct register and the Registrar or Assistant must write out a registration certificate. (In the case of permanent registration, the card is filled in later and mailed to the address as shown on the registration application.)

* * *

[fol. 1084] OTHER RECOMMENDATIONS

1. Secure from the Clerk of Court, at the end of each month, a list of felony convictions and remove those names who appear on your registration rolls.

2. When the report from the State Department of Health has been received, check your registration rolls for those names who have been reported deceased and remove same from your registration rolls.

3. Canvass registration rolls at least once each year, not later than October 1st, and remove in accordance with the law, all names who have not voted in a four year period (two year period in Orleans Parish). Removal is, of course, after the registrant has been duly notified and the name has been published in the official journal. Each person has the right to appear in person and request re-instatement, providing they do so before the deadline as prescribed by law. This, of course, applies only to parishes who have permanent registration.

4. The law requires that the Registrar, *upon his own initiative,* canvass and remove unqualified persons from the registration rolls. We recommend that this provision be adhered to.

5. Act 254 of the 1960 Legislature also requires the Registrar to canvass his books and write a letter to all persons who have voted absentee for two consecutive years. All persons are required to reply immediately, giving their reason for casting absentee ballots for two consecutive years. If these persons fail to do so, the Registrar may remove their names in the manner prescribed by law.

6. For the purpose of uniformity, any questions pertaining to the daily operations of the Registrars' of Voters offices should be directed to the Board of Registration. Any opinions which may necessitate an answer by the office of the Attorney General, will be directed to the Board of Registration Office, who will, in turn, request the opinion from the Attorney General.

[fol. 1085] 7. That we approach, with reasonableness, the portion of the law that says the Registrar must read and the applicant interpret any section of either constitution to the satisfaction of the Registrar of Voters. This recommendation is made due to many limitations with which we are faced and many complications that can arise therefrom, keeping the thought in mind of the possible discrimination that could be willfully involved in same.

8. Keep Registrar's Office open the same *hours* and *days* as other officials in Court House of his Parish.

9. Affidavit to be used, beginning December 19, 1960, according to Amendment No. 9:

> I do hereby solemnly swear or affirm that I will faithfully and fully abide by all of the laws of the State of Louisiana, so help me God.
>
> .....
>
> Signature of Applicant

* * *

Study these steps carefully and follow them, for it will be to your benefit to do so.

Sincerely yours,

/s/ Hugh E. Cutrer, Jr.
Hugh E. Cutrer, Jr.
Director

HECjr/mmc

[fol. 1086]

PLAINTIFF'S EXHIBIT No. 134

REPORT OF SUB-COMMITTEE ON REGISTRATION MEETING OF DECEMBER 14, 1960

BATON ROUGE, LOUISIANA

• • •

A meeting of the Sub-Committee on Registration was held on December 14, in the Board of Registration Office, 1-B-2 Pentagon Courts, Baton Rouge, Louisiana.

The meeting was called to order at 10:00 A. M. by the Chairman, Mr. Cutrer.

MEMBERS PRESENT:

Honorable Hugh E. Cutrer, Jr., Director of Registration, Chairman

Honorable Ragan Madden, District Attorney, Third District

Honorable Jodie R. Smith, Jr., Registrar of Voters, East Baton Rouge Parish and Chairman, Legislative Committee, Registrars' of Voters Association

Honorable U. Charles Mitchell, Registrar of Voters, Caddo Parish and President, Registrars' of Voters Association

Mrs. Beatrice R. Harris, Secretary to Director of Registration

ALSO PRESENT:

Honorable Douglas Fowler, Custodian of Voting Machines and Past Director of Registration

Honorable Floyd Reed, Attorney-at-Law, representing Registrars' of Voters Association

Honorable Wendell P. Harris, State Senator, East Baton Rouge Parish (Ex-Officio member)

ABSENT:

Honorable Sargent Pitcher, Jr., District Attorney, Nineteenth District

[fol. 1087] The following is a report of the special subcommittee on registration, appointed on December 6, 1960, by Honorable Wendell P. Harris, Vice-Chairman of the Sovereignty Commission.

The history of registration in Louisiana has a very interesting background and goes back to the days shortly after the Civil War. Even though we are primarily interested in what is happening today and what we are going to do about the enforcement of the registration laws of the State of Louisiana at the present time, we believe that it is necessary to take a look at some of the things that have happened in the past, in order to give a true evaluation of our present day status and also in order to cover and explore the effectiveness of the past enforcement of these laws.

Please keep in mind that we must have legal requirements in order for an individual to qualify to vote, but we must also keep in mind that the object and purpose of registration is to permit each qualified person to register, for an individual must register before he will be permitted to vote. In other words, the primary duty of any registrar or deputy registrar of voters is to get the qualified people on the registration rolls and to keep the unqualified people off the registration rolls. We believe it is just that simple.

The history of the laws affecting registration in the State of Louisiana since the days of the Civil War have followed the same trend and, step by step, each law has had the same

[fol. 1088] effect, which is to make the laws of the State of Louisiana, affecting registration, more rigid and the requirements more complicated in order to register to vote. The records reveal that the Registrars of Voters in most of our 64 parishes have done a good job towards the enforcement of these laws and they are to be commended for the effort that they have made and the results that they have obtained in carrying out this work.

Apparently, in 1888, little or no restrictions were made, for, at that time, our registration in Louisiana was as follows:

Total	*White*	*Colored*
254,807	126,884	127,923

This represented a percentage of 50.2 for the colored and 49.8 for the whites.

About 1898, the Constitution was rewritten and in the Constitution was placed what was then known as the "Grandfather Clause". The meaning of the "Grandfather Clause" was simply this: that, unless your grandfather had registered or voted, no member of the family was permitted to register and vote. The effect of this was revealed in the registration figures of 1900, which were as follows:

Total	*White*	*Colored*
130,757	125,437	5,320

This represented a percentage of 95.9 whites and 4.1 colored.

This provision of our Constitution was in force and effect until approximately 1916, when the courts declared [fol. 1089] this particular clause to be unconstitutional. The registration figures of 1920, after the actions of the Court, were revealed as follows:

Total	*White*	*Colored*
260,815	257,282	3,533

giving us a percentage of 98.6 white and 1.4 colored.

This brings us now to the Constitution of 1921, in which Section 17 of Article VIII provides as follows: "The Legislature shall provide for the registration of voters through-

out the State." In addition to requirements provided by the Acts of the Legislature, many other requirements and stipulations in the Constitution had to be complied with.

Our registration of 1928, no doubt, reflects some of the enforcements of the Constitution of 1921, which was revealed as follows:

Total	*White*	*Colored*
379,270	376,963	2,054

giving us 99.4 percent white and .5 percent colored.

In 1940, the registration laws of the State of Louisiana were revised and our registration figures of 1940 were as follows:

Total	*White*	*Colored*
702,545	701,659	886

giving us 99.9 percent white and .1 colored.

[fol. 1090] The impact of the changes in the laws of 1940 was, no doubt, revealed to the registration figures of 1952, which were as follows:

Total	*White*	*Colored*
1,056,720	945,038	107,844

giving us a percentage of 89.8 white and 10.2 colored. This increase, we believe, was brought about by several factors, two of which we will mention. Prior to 1940, the State Democratic Central Committee had the authority to set up certain rules, one of which was termed or called the "White Democratic Primary". A case in point that affected this stipulation was tried in Texas and was held to be unconstitutional and, after this decision was rendered, the State Central Committee of Louisiana removed this provision from their rules and regulations. Another reason, no doubt, was the impact of World War II on general social conditions, not only in Louisiana, but over the entire United States.

The registration figures of 1956 were as follows:

Total	*White*	*Colored*
1,057,908	896,498	161,410

giving us a percentage of 84.7 white and 15.3 colored.

Since the report was issued on March 17, 1956, giving us the above figures, the registration situation in the State of Louisiana has more or less stabilized itself percentagewise, for today we have a total of 1,152,151.

[fol. 1091]

Total	*White*	*Colored*
1,152,151	993,118	159,033

giving us a percentage of 86.2 white and 13.8 colored.

The above figures tell a story, for they reflect and reveal the fact that the registrars in the 64 Parishes of the State of Louisiana have enforced the laws of our State to the best of their ability, without any job security or protection whatsoever; and please keep in mind that, in many instances, the political feelings and policies of the local officials were very often brought to bear upon the registrars and their deputies.

We would like to call your attention to the fact that, during this four year period of time, from 1956 until 1960, 81,214 colored people became of voting age, when the registration figures of colored people actually declined 2,377. Going further during this four year period, we had 114,629 white people who became of voting age and, during this four year period of time, the white registration increased 96,620.

The two following reports are very interesting and tell a story that, we believe, you will be glad to know:

Report of the Board of Registration as of October 8, 1960, as compared to the report of August 31, 1960:

White Illiterates

39 parishes retained the same number

16 parishes decreased in number for a total of 2,007
(15 of these are permanent registration)

9 parishes increased in number for total of 58
(9 of these are permanent registration)

[fol. 1092]

Colored Illiterates

42 parishes retained the same number

12 parishes decreased in number for a total of 920
(12 of these are permanent registration)

10 parishes increased in number for a total of 73
(9 of these are permanent registration)

TOTAL DECREASE	2,927	
TOTAL INCREASE	131	
		2,796 OVERALL DECREASE

2.

No. of white adults in Louisiana	1,252,000	
No. of colored adults in Louisiana	518,000	(U. S. Census Bureau, 1960)
TOTAL ADULTS IN LOUISIANA	1,770,000	(U. S. Dept. of Commerce, 1960)
No. of white registered voters in La.	993,118	(
No. of colored registered voters in La.	159,033	(Board of Registration, Oct., 1960)
TOTAL REGISTERED VOTERS IN LOUISIANA	1,152,151	(
No. of white adults in La. not registered to vote	258,882	
No. of colored adults in La. not registered to vote	358,967	
TOTAL ADULTS IN LOUISIANA NOT REGISTERED TO VOTE	617,849	
If all white adults were registered, we would have	1,252,000	or 70.7% (we now have 86.2%)
If all colored adults were registered, we would have	518,000	or 29.3% (we now have 13.8%)
TOTAL	1,770,000	

[fol. 1093] We fully appreciate the fact that figures and dates are very boring, but we see no way to reveal a true picture of the registration of voters in the State of Louisiana without these figures and without these facts before us. We beg your indulgence and ask that you read and study them very carefully.

[fol. 1094] In 1956, the spotlight was turned on the registration of voters in Louisiana. Now, in 1960, more emphasis is being placed on registration. This condition exists and has been precipitated by circumstances beyond our control. There are those who have the distorted idea that the whole question of segregation can be solved in the registrar's office —but nothing can be further from the truth. Registration is only one phase of the problem. So, briefly, let us review some progress that has been made. In spite of the increase in the population and in spite of all other circumstances that have entered into the picture, your registration of voters in the State of Louisiana seems to have stabilized itself. From 1956, in which you had 84.7 percent white and 15.3 colored, we, today, have 86.2 percent white and 13.8 percent colored. So, with these facts in mind, may we present to you a few recommendations that we believe, if followed, will help—not only our registrars, but our voting public in the State of Louisiana.

(A) That we not expect to accomplish all of our goals and our aims immediately, but follow the plans of the chairman of the Sovereignty Commission and look upon this as a program that can and will be placed in force and effect down through the years and that an orderly procedure be followed at all times.

(B) That patience, tolerance, understanding and kindness be exhibited in every form by our registrars, deputy registrars, and other employees in the Registration Department of the State of Louisiana.

(C) That our registrars and their employees work closely and in harmony with our Sovereignty Commission and that the investigators for the Sovereignty Commission, in turn, work in harmony with our registrars, exhibiting patience, [fol. 1095] tolerance, and understanding and always a help-

ful, rather than a critical, attitude for this committee believes firmly that by working together and pulling together, our goals can be accomplished.

(D) In enforcing the laws of the State of Louisiana, that it can be done without discrimination as to race, color, creed or religion and, in connection therewith, we submit the following actual working steps to be followed by the registrar:

(1) Question applicant as to time in State, Parish and Precinct. Require proof of time of residence, if necessary. Suggested types of proof:

(a) Drivers license bearing name of applicant and showing address to be in state and parish which was issued at least one year prior to date of application for registration. New act provides for parish residence of only six months.

(b) Homestead exemption certificate for previous year.

(c) Receipt for deposit on utilities (electricity, water or gas).

(d) Library card for previous year.

(e) Selective Service registration card. This can be double checked through local selective service board.

(f) Rent receipts for past twelve months.

(g) Deed or contract to purchase home (one year old).

(h) Hunting or fishing license for previous year.

(i) Copy of application for automobile license plates for previous year.

[fol. 1096]

(j) Letter from reputable firm or individual stating that they know the applicant personally and that applicant has lived in the state and parish for the required period as prescribed by law.

(k) If applicant cannot produce any of the above documents or if the Registrar has good reason to doubt that the applicant is the person whom he or she represents himself to be, then the Registrar has the legal authority to require the applicant to produce two registered voters who live within the same precinct as the applicant and require them to sign an affidavit to the effect that the applicant is entitled to register to vote.

[fol. 1097]

(2) If applicant has been registered in another parish of the State, take up registration card or certificate from previous parish or have applicant sign affidavit to be returned to former parish for cancellation.

(3) Have applicant read a portion of the preamble of the Constitution.

(4) Have applicant write from dictation given by the Registrar, a portion of the preamble to the Constitution.

(5) Give applicant application to be filled out, after placing him in proper ward and precinct. In the case of a married woman, Registrar should instruct her to write her first name, maiden name and married name. Also, applicant should be advised that he or she will be allowed ample time to study and fill out the application form. Make him feel at ease. Some applicants become very nervous and emotional when they first apply for registration.

(6) After applicant fills out application, he returns to counter with application to be checked by Registrar or Assistant as to correctness of application.

(7) If correct, applicant shall be able to understand and give a reasonable interpretation of any section of either Constitution when read to him by the Registrar. (All rejected applications should be

placed in an alphabetic file so they may be examined in case a court proceeding should be filed by a rejected applicant.)

(8) Signs affidavit affirming that he will faithfully and fully abide by all of the laws of the State of Louisiana.

[fol. 1098]

(9) Signs permanent registration voting certificate in duplicate, in case of permanent registration, or, where four year registration is in effect, the applicant must sign the proper precinct register and the Registrar or Assistant must write out a registration certificate. (In the case of permanent registration, the card is filled in later and mailed to the address as shown on the registration application.)

• • •

OTHER RECOMMENDATIONS

1. Secure from the Clerk of Court at the end of each month a list of felony convictions and remove those names who appear on your registration rolls.

2. When the report from the State Department of Health has been received, check your registration rolls for those names who have been reported deceased and remove same from your registration rolls.

3. Canvass registration rolls at least once each year, not later than October 1st, and remove in accordance with the law, all names who have not voted in a four year period (two year period in Orleans Parish). Removal is, of course, after the registrant has been duly notified and the name has been published in the official journal. Each person has the right to appear in person and request re-instatement, providing they do so before the deadline as prescribed by law. This, of course, applies only to Parishes who have permanent registration.

4. The law requires that the Registrar, *upon his own initiative,* canvass and remove unqualified persons from the registration rolls. We recommend that this provision be adhered to.

5. Act 254 of the 1960 Legislature also requires the Registrar to canvass his books and write a letter to all per-
[fol. 1099] sons who have voted absentee for two consecutive years. All persons are required to reply immediately, giving their reason for casting absentee ballots for two consecutive years. If these persons fail to do so, the Registrar may remove their names in the manner prescribed by law.

6. With the future aim and goal of arriving at an orderly procedure of registration in the State of Louisiana, we recommend that all Parishes that will, be encouraged and helped to set up a system of permanent registration.

7. That we approach, with reasonableness, the portion of the law that says the Registrar must read and the applicant interpret any section of either constitution to the satisfaction of the Registrar of Voters. This recommendation is made due to many limitations with which we are faced and many complications that can arise therefrom, keeping the thought in mind of the possible discrimination that could be willfully involved in same.

8. Keep Registrar's Office open the same *hours* and *days* as other officials in Court House of his Parish.

9. Affidavit to be used, beginning December 19, 1960, according to Amendment No. 9:

> I do hereby solemnly swear or affirm that I will faith-
> [fol. 1100] fully and fully abide by all of the laws of the State of Louisiana, so help me God.

.....

Signature of Applicant

This report respectfully submitted this 21st day of December, 1960.

/s/

.....

HUGH E. CUTRER, JR.
Chairman

[fol. 1101]

PLAINTIFF'S EXHIBIT No. 161A

Form LR-17

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF BIENVILLE

Personally came and appeared before me Pauline A. Sims (Deputy) Registrar of Voters in and for the Parish of Bienville, State of Louisiana.

J. Roy Caskey and R. L. Taylor, Jr. who being duly sworn, do depose and say:

That they are bona fide registered voters of this Parish, that after reasonable investigation by them, and each of them, and on information and belief, that Annie Barfield, registered from Bienville, La., to whom was issued Regis-
(Municipal number and street, if any)
tration Certificate No. 215, Ward 3, Precinct 1, of this Parish, is illegally registered or has lost his or her right to vote in the Precinct, Ward or Parish in which they are registered, for the following reasons:

Incorrect Application

and should be erased from the official Precinct Register of Ward 3, Precinct 1 that this affidavit is made for the purpose of causing said name to be erased.

/s/ J. ROY CASKEY
/s/ R. L. TAYLOR, JR.

Sworn to and Subscribed
before me, on this 27 day
of September, 1956

/s/ PAULINE A. SIMS
(Deputy) Registrar of Voters

[fol. 1102]

PLAINTIFF'S EXHIBIT No. 162A

Form LR-17

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF DESOTO

Personally came and appeared before me A. G. Thorp Notary Public in and for the Parish of DeSoto, State of Louisiana.

H. H. Samuels and P. C. Fair who being duly sworn, do depose and say:

That they are bona fide registered voters of this Parish, that after reasonable investigation by them, and each of them, and on information and belief, that Annie Berdine Williams Adams registered from Ward 4, Pct. 3, to whom
(Municipal number and street, if any)
was issued Registration Certificate No. ..... Ward 4, Precinct 3, of this Parish, is illegally registered or has lost his or her right to vote in the Precinct, Ward or Parish in which they are registered, for the following reasons:

Application incorrect

and should be erased from the official Precinct Register of Ward 4, Precinct 3, that this affidavit is made for the purpose of causing said name to be erased.

/s/ H. H. SAMUELS
/s/ P. C. FAIR

Sworn to and Subscribed
before me, on this 10 day
of Oct., 1956

/s/ A. G. THORP
Notary Public

[fol. 1103] PLAINTIFF'S EXHIBIT No. 163A

Form LR-17

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—
PARISH OF EAST FELICIANA

Personally came and appeared before me Henry Earl Palmer (Deputy) Registrar of Voters in and for the Parish of East Feliciana, State of Louisiana.

Richard Kilbourne and Edward Hobgood who being duly sworn, do depose and say:

That they are bona fide registered voters of this Parish, that after reasonable investigation by them, and each of them, and on information and belief, that Hamilton Armstrong, registered from Ethel, La. Ward One, Precinct
(Municipal number and street, if any)
One (1), to whom was issued Registration Certificate No. ....., Ward One, Precinct One, of this Parish, is illegally registered or has lost his or her right to vote in the Precinct, Ward or Parish in which they are registered, for the following reasons:

1. Failed to date application as required by R.S. 18:31, Const. 1921, Art. 8, Sec. 1 (c).
2. Was not required to read or give a reasonable interpretation of any provision in the Constitution of Louisiana or of the United States as provided in R.S. 18:35, Const. 1921, Art. 8, Sec. 1 (c).
3. Received assistance in filling out application to register in violation of R.S. 18:31, Const. 1921, Art. 8, Sec. 1 (c).

and should be erased from the official Precinct Register of Ward One, Precinct One, that this affidavit is made for the purpose of causing said name to be erased.

/s/ RICHARD KILBOURNE
/s/ EDWARD HOBGOOD

Sworn to and Subscribed
before me, on this 13th day
of September, 1958

/s/ HENRY E. PALMER
(Deputy) Registrar of Voters

[fol. 1104]

PLAINTIFF'S EXHIBIT No. 164A

Form LR-17

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF JACKSON

Personally came and appeared before me Estelle Wilder (Deputy) Registrar of Voters in and for the Parish of Jackson, State of Louisiana.

R. G. Pipes and Louie C. Boss who being duly sworn, do depose and say:

That they are bona fide registered voters of this Parish, that after reasonable investigation by them, and each of them, and on information and belief, that James W. Dade, registered from Jonesboro, La. B. 261, to whom was issued
(Municipal number and street, if any)
Registration Certificate No. 6, Ward 6, Precinct 4, of this Parish, is illegally registered or has lost his or her right to vote in the Precinct, Ward or Parish in which they are registered, for the following reasons:

Incorrect and/or incomplete application

and should be erased from the official precinct register of Ward 2, Precinct 4, that this affidavit is made for the purpose of causing said name to be erased.

/s/ R. G. PIPES
/s/ LOUIE C. BOSS

Sworn to and Subscribed
before me, on this 3rd day
of Oct., 1956

/s/ ESTELLE WILDER
(Deputy) Registrar of Voters

[fol. 1105]

PLAINTIFF'S EXHIBIT No. 165A

Form LR-17

AFFIDAVIT IN CASE REGISTRATION OF VOTER IS CHALLENGED

STATE OF LOUISIANA—PARISH OF RICHLAND

Personally came and appeared before me Lula J. Cheek (Deputy) Registrar of Voters in and for the Parish of Richland, State of Louisiana.

R. W. Anderson and Solon E. Smith who being duly sworn, do depose and say:

That they are bona fide registered voters of this Parish, that after reasonable investigation by them, and each of them, and on information and belief, that Timothy Alexander, registered from Ward 1, Precinct No. 1, to whom was
(Municipal number and street, if any)
issued Registration Certificate No. 290, Ward 1, Precinct No. 1, of this Parish, is illegally registered or has lost his or her right to vote in the Precinct, Ward or Parish in which they are registered, for the following reasons:

Not Legible

and should be erased from the official Precinct Register of Ward 1, Precinct No. 1, that this affidavit is made for the purpose of causing said name to be erased.

/s/ R. W. ANDERSON
/s/ SOLON E. SMITH

Sworn to and Subscribed
before me, on this 21st day
of Sept., 1956

/s/ LULA J. CHEEK
(Deputy) Registrar of Voters

[fol. 1106]

PLAINTIFF'S EXHIBIT No. 250

CORRESPONDENCE IN THE FILES OF THE STATE BOARD OF REGISTRATION RELATING TO THE RESIGNATION OF WINNICE PRATT CLEMENT, REGISTRAR OF VOTERS, WEBSTER PARISH.

[fol. 1107]

PLAINTIFF'S EXHIBIT No. 250A

COPY

January 27, 1956

To the Honorable Members
of the Police Jury of
Webster Parish:

Whereas, the Police Jury of Webster Parish, did at its last regular meeting, pass a resolution requesting the Registrar of Voters to follow the law as stated in the Constitution of Louisiana, Article VIII, Section 1.

Whereas, we understand that the said Registrar of Voters has stated that the law will be adhered to beginning in January 1957.

Therefore, the Citizens Council of Doyline did, by unanimous vote, resolve that the Police Jury be respectfully petitioned and requested as follows:

1. That the Police Jury demand that said Registrar show cause in writing why the Constitutional requirements for registration should not be followed immediately.

2. That if said Registrar of Voters does not immediately adhere to the law as outlined in Article VIII, Section 1, of the Constitution, that the Police Jury immediately dispatch a request to the Governor of the State that said Registrar be relieved of the duties of office.

Respectfully yours,

[fol. 1108] February 6, 1956

COPY

WHEREAS, many members of the Citizen's Council of Sibley did at its last meeting openly express concern that the Registrar of Voters of Webster Parish had never at any time required them to establish themselves as having an understanding of and loyalty to the American form of government.

WHEREAS, said form of government is a republic of sovereign states with all powers not delegated to the United States by the Constitution, nor prohibited by it to the states, being reserved to the states respectively, or to the people.

WHEREAS, the Constitution of Louisiana did require that said Registrar subscribe to an oath to support the constitution and laws of Louisiana and to discharge and\perform faithfully and impartially the incumbent duties of the Registrar's office according to the best of said Registrar's ability and understanding.

THEREFORE, the Sibley Citizen's Council respectfully requests:

1. That the Honorable Jourors of Webster Parish do take appropriate action at their regular meeting on February 7, 1956 (A) So as to accurately determine whether said registrar's failure to establish the lawfully required mental competence of regis-
[fol. 1109] trants to exhibit an understanding of the duties and obligations of citizenship under a republican form of government has been due to any or all of the following reasons:

   (1.) Unfaithful performance of duties

   (2.) Partiality in preformance of duties

   (3.) Inability to perform duties

   (4.) Lack of understanding of the duties

(B). That the Jury's action require said registrar to show cause in writing as to why she has not exercised the precautions demanded by Article VIII, Section 1 of the Constitution of Louisiana which would prevent illegal or fradulent registrants from becoming qualified to participate in our local, state, and national elections.

Respectfully submitted by

/s/ M. V. McKenzie, Jr.

M. V. McKenzie, Jr. under direction of Sibley Citizen's Council.

[fol. 1110]

PLAINTIFF'S EXHIBIT No. 250B

COPY

RESOLUTION

WHEREAS, the Webster Parish Police Jury, in regular session convened January 3, 1956, passed a resolution requesting the Registrar of Voters to strictly adhere to the laws of the State of Louisiana, with respect to requirements of qualifications, in registering citizens qualifying to vote, and

WHEREAS, it has been alleged by Citizens Councils of Sibley, Cotton Valley, Sarepta, Dubberly, Shongaloo, McIntyre and Dixie Inn and representatives of Doyline and Leton, that the Registrar of Voters has not heeded the request of the Police Jury, now, therefore,

BE IT RESOLVED, by the Webster Parish Police Jury, that they hereby respectfully request the Board of Registration, composed of the Governor, Lieutenant Governor and Speaker of the House of Representatives, to make an investigation into the matter, immediately, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Honorable Robert F. Kennon, Governor; Honorable C. E. Barham, Lieutenant Governor; Honorable Clarence

C. Aycock, Speaker of the House of Representatives; Mr. M. V. McKenzie of Sibley Citizens Council; Mr. W. P. Alexander, Cotton Valley Citizens Council; Mr. F. L. Denmon, Sarepta Citizens Council; Mr. Leroy Connell, Dubberly Citizens Council; Mr. W. B. Roseberry, Shongaloo Citizens Council; Mr. D. D. Smith, McIntyre & Dixie Inn Citizens Council; Mr. J. H. Deer, Doyline; Mr. H. H. Johnston, Leton and Mrs. Winnice P. Clement, Registrar of Voters.

The above resolution was unanimously passed on motion of C. K. McWilliams, seconded by Fred W. O'Bier.

/s/ Hazel H. Heflin
Secretary

/s/ J. M. Pearce
President

I, Hazel H. Heflin, Secretary of the Webster Parish Police Jury, certify that the above is a true and correct copy of a resolution passed by said body in regular session convened February 7, 1956.

Given under my hand and seal of office this 10th day of February, 1956.

/s/ Hazel H. Heflin
Secretary, Police Jury of
Webster Parish, Louisiana

[fol. 1111]

Plaintiff's Exhibit No. 250G

REPORT TO

THE BOARD OF REGISTRATION
STATE OF LOUISIANA

Hon. Robert F. Kennon, Governor
Hon. C. E. Barham, Lt. Governor
Hon. Clarence C. Aycock, Speaker, House of Representatives

Gentlemen:

At the request of the Police Jury of Webster Parish, I conducted an investigation of the office of the Registrar of

Voters in that Parish, Mrs. Winnice P. Clement. This investigation was conducted on Monday, March 11, 1956 in Minden, Louisiana.

The Police Jury resolution of February 10, 1956 charged that Mrs. Clement had failed to heed a resolution of January 3, 1956, requesting that she strictly adhere to the laws of the State of Louisiana with respect to requirements of qualifications in registering citizens qualified to vote.

On March 6, 1956, Mrs. Clement denied in a letter written to the Police Jury that she had failed to adhere to the laws of Louisiana concerning registration of voters and declared that other registrars were handling the problem in the same manner. (Copy of Mrs. Clement's letter enclosed).

Mrs. Clement, under questioning, admitted that this letter had been written by Mr. J. T. Campbell, local attorney, in her behalf.

Under further questioning, Mrs. Clement admitted that she had not been requiring registrants to interpret the constitution as required by law. She further claimed that the District Attorney, L. H. Padgett, Jr., informed her that a person could qualify as a registered voter merely by signing the LR-1. (Original card signed by applicants prior to being listed as a registered voter.)

[fol. 1112] She stated that she made no attempt to test illiterates, except beginning February 23, 1956, when approximately 24 were told they must take constitutional tests and most of these refused to take the tests, leaving her office in protest.

Investigation reveals that Mrs. Clement's office has no record of persons convicted of felonies, etc. She is also apparently somewhat lax in the matter of checking age and residence requirements of prospective registrants.

Mrs. Clement stated that in some cases she was "lenient" with registrants when they advised her that they would lose their jobs if they did not register. She was also lenient, by her own admission, when housewives would phone and state

that servants of friends were registered, and insist that their particular household help be registered.

The Registrar cited a case where she had been abused by an applicant seeking to have his LR-1 filled out by his wife. The man used profane language and reminded her that he "didn't have all that trouble when he went to pay his taxes".

"What could I do but let his wife fill out his card," Mrs. Clement said.

She also charged that she did not get full protection from the Sheriff's office, charging that on one occasion, she was insulted by a prospective registrant and that when she insisted that the person be ejected from her office, that a deputy merely sat down in her office, keeping the person under observation.

Mrs. Clement was questioned concerning newspaper articles in the Shreveport Times and the Baton Rouge State-Times which were published March 8, 1956. She said that the stories as written, conveyed substantially the information she wanted conveyed to the public. (These clippings are enclosed).

[fol. 1113] SUMMARY: On the whole the office is not administered less efficiently than some 15 or 20 other registration offices. There is, however, more friction and tension between the Registrar and the Police Jury than exists in any other office in the State. Mrs. Clement charged that the current president of the Police Jury, Mr. J. M. Pearce, would like to have her job. A check with other leading citizens in the Parish reveals that there may be some substance to this, but that has no bearing on the conduct of her office.

She does seem to lack courage to handle a job which in her particular parish, seems destined to become even more subject to pressure and criticism than at the present time.

The manner in which she handled her interviews with the press and with the Police Jury does indicate that she is not overly cooperative at this time.

In my opinion, the Webster Parish Police Jury should be polled on the matter and if they desire to have her removed

for cause, they should remove her. If they feel that she can perform her duties in the manner they suggest, then they should retain her.

Judging the case individually for Webster Parish, they have technical grounds for her removal.

Respectfully submitted,

David Reynaud,
Director

Encl. Copies: Resolutions, Webster Parish Police Jury
Resolutions, Citizen's Councils
Newspaper clippings

State Times 3/8/54

'Black Code' Keeps Whites Off Vote Roll

MINDEN—Two dozen prospective white voters have been denied the right to register as voters because they could not interpret the federal constitution and the woman registrar of Webster Parish says she took the action under her policy of "only being fair" to both Negroes and whites.

The policy of Mrs. Winnice J. Pratt has aroused the ire of both Webster Parish in which she serves as registrar and the pro-segregation Citizens Councils of Louisiana.

The parish police jury and several chapters of the Citizens Councils complained about Mrs. Pratt's requirement that both whites and Negroes interpret the Constitution before they become voters.

They said she showed favoritism to Negro registrants, a charge she denied. And they got Gov. Robert Kennon to ask the state registration director, David Raynaud, to investigate her.

Raynaud said Wednesday night that he is planning to go to Minden Monday to investigate the situation. Several complaints from Webster citizens [illegible] warded to him by the [illegible] office, he said.

[illegible] said they never [illegible] said they wanted her to stop [illegible] registration, but "that wasn't hard to figure out."

"They want the Negroes to interpret the Constitution," she said "That's all right and it's the law But if the Negroes have to do it so do the white people. That's only being fair."

A state law, ignored in most parishes, says applicants for registration must be able to read any clause in the state or federal Constitution and "give a reasonable interpretation thereof."

She has refused to register two dozen white men and women since Feb. 23 because they can't interpret the federal document. It was a 100 per cent flunk because that's "all that applied," Mrs. Pratt said.

Only two Negroes tried to register since she was criticized. They were turned down for other reasons.

'STRICT LETTER OF LAW'

...ns Down Registration Bids Turn... White Webster Citizens Of 24

...ment, Webster Parish registrar, said today that in the past voters have interpret... constitution. she has turned down ... prospective ... cause they were unable to ... sections of the U. S. ... Mrs. Clement said that not a 23 every would-be voter subjected to the test ... have since one has passed.

"Some of them have voted all their lives, but some say they won't ever try to vote again," the registrar, who has held the post for 16 years, said. She added that the voters "don't like it."

Mrs. Clement said that she has been quizzing voters since she was notified by the parish Police Jury to "comply strictly with the law."

The law, ignored in most parishes, says that applicants for registration must be able to read any clause in the state or federal constitutions and "give a reasonable interpretation thereof."

The registrar said that, despite the fact not a single voter has been able to interpret the constitution thus far, she assumed that some would. "But it'll certainly cut out a lot of them," she added.

Mrs. Clement has for some time been under fire from parish Citizens Councils, who charged that she was lax in enforcing laws pertaining to voter qualifications, and that she showed favoritism to Negro voters. As a result of these charges, the Webster Parish Police Jury adopted a resolution Feb. 7 asking Gov. Robert F. Kennon to launch an investigation of Mrs. Clement. The registrar has categorically denied all of the charges.

Mrs. Clement said that since instructed to follow the letter of the law, she has done so, without showing any favoritism to anyone. She said that no one ever told her they wanted her to stop Negro registration, but "that wasn't hard to figure out."

"They want the Negroes to interpret the Constitution, she said. "That's all right and it's the law. But if the Negroes have to do it so do the white people. That's only being fair."

Since she started her insistence upon the "letter of the law," Mrs. Clement said, not only has every white prospective voter been turned away, but also the only two prospective Negro voters. These, she explained, were never quizzed on the Constitution since they were unable to identify themselves properly, and were told to return with registered voters who could identify them.

"But if they come back," she said, "they'll have to prove themselves qualified, just like anybody else."

Mrs. Clement admitted that her stand has not helped her popularity in the parish, but complained that she was only following the orders of the police jury. She said that, despite the pressure on her at the moment, she has no intention of quitting, and "haven't even thought about it."

In her written reply to the police jury Tuesday, defending herself against the charges made against her, Mrs. Clement said, in part:

"Since I have been registrar of voters, which has been 16 years, I have always performed the duties of the office conscientiously and to the very best of my ability. I have at all times complied with the laws of this state pertaining to the registration of voters to the best of my understanding."

Mrs. Clement said Wednesday that she will continue to keep asking the prospective voters to interpret the Constitution until she is officially instructed to do otherwise.

[fol. 1116]

PLAINTIFF'S EXHIBIT No. 250M

May 1, 1956

Hon. C. E. Barham
Lt. Governor
State of Louisiana
Ruston, Louisiana

Dear Cap:

Enclosed find original and four copies of a resolution to remove Mrs. Winnice P. Clement, the present registrar of voters for the Parish of Webster.

It is my understanding that Mrs. Clement has agreed to resign, and if she does within the next few days, this resolution will be voided.

I know that you are fully aware of the facts in this case and that you want Mrs. Clement removed.

As soon as I receive these copies with your signature, I will drive over to Franklin for Taddy Aycock's signature.

With kindest personal regards, I am

Sincerely,

David Reynaud,
Director

DR:brh
Encl. (5)

[fol. 1117]

May 3, 1956

Hon. C. C. Aycock, Speaker
House of Representatives
P. O. Box 317
Franklin, Louisiana

Dear Taddy:

Enclosed find original and four copies of a resolution to remove Mrs. Winnice P. Clement, the present registrar of voters for the Parish of Webster.

It is my understanding that Mrs. Clement has agreed to resign, and if she does within the next few days, this resolution will be void.

I know that you are fully aware of the facts in this case and that you want Mrs. Clement removed.

With kindest personal regards, I am

Sincerely,

David Reynaud
Director

DR:brh
Encl. (5)

[fol. 1118]

PLAINTIFF'S EXHIBIT No. 250P

COPY

STATE OF LOUISIANA
BOARD OF REGISTRATION
STATE CAPITOL
BATON ROUGE

May 14, 1956

Hon. John Benton,
Assistant District Attorney
Minden, Louisiana

Dear Mr. Benton:

Enclosed is an official copy of the resolution of the State Board of Registration of this date signed by two members as required by law, which removes Mrs. Winnice P. Clement from the office of Registrar of Voters of the Parish of Webster.

Please sign the enclosed copy of this letter acknowledging receipt of same and return to this office for our files.

Sincerely yours,

David Reynaud,
Director

Received by:

/s/ J. B. BENTON, JR.

May 14, 1956, at 2:30 o'clock P. M.

[fol. 1119]

PLAINTIFF'S EXHIBIT No. 250R

CAMPBELL & CAMPBELL
Attorneys at Law
First National Bank Building
Minden, Louisiana

JOHN T. CAMPBELL
CECIL P. CAMPBELL

May 18, 1956

Mr. Douglas Fowler
State Registrar of Voters
State Capitol
Baton Rouge, Louisiana

Dear Doug:

I note from the press this morning that you have been appointed as State Registrar, succeeding Mr. David Reynaud. It is needless to say that your appointment was a pleasing one to me, and I extend my warmest congratulations to you for having received the appointment, and to the Governor for his choice.

I am sure that you are cognizant of the static we have been having up here concerning our Registrar of Voters, Mrs. Winnice P. Clement. This lady is a widow with a crippled child dependent on her for support. She has been serving as Registrar of Voters for the past 16 years, lacking only 4 years before she will be eligible for retirement. Recently certain groups became highly agitated because of the fact that we had a considerable number of colored persons registered to vote, and demanded her scalp. Because I knew Mrs. Clement was not responsible for this situation, and that the major portion of the colored registration had been encouraged by local politicians, I felt that it was wrong for her to be made the victim. Accordingly, I have done what I could to prevent her removal, and you have undoubtedly observed from the press my activities in her behalf.

At its meeting in April the Police Jury, composed of ten members (six of which had failed re-election and two of which did not seek re-election) adopted a resolution requesting the State Board of Registration to demand her resignation, and if she failed to comply, to remove her. In accordance therewith the State Board notified her that unless she submitted her resignation she would be summarily dismissed. Acting pursuant to that ultimatum she submitted her resignation, effective at midnight on May 15th, which was accepted. Notwithstanding the acceptance of her resignation, the State Board advised me that she must shorten the effective date of her resignation to noon, May 12th, or it would discharge her.

[fol. 1120] Since the effect of such a resignation would mean feeding her to the wolves and deprive her of any chance to have her case reviewed by the new Board which would assume office on May 15th, she declined to comply. Thereupon, on May 14th, at 10:00 o'clock in the morning, Governor Kennon and Lieutenant-Governor Barham, being two of the members of the Board of Registration, passed a resolution summarily removing her from office. I have been successful thus far in preventing the old Police Jury from electing a successor, although they met three days in a row, hoping to be able to do so before they went out of office.

On Wednesday afternoon, Governor Long wired the District Judge, requesting him to hold the matter in status quo until he had an opportunity to investigate the matter, and this I believe will hold the matter up for a short time at least. Since Governor Long's telegram was by him personally, however, I feel that in order to insure that the matter will be held up until an investigation can be had, there ought to be a resolution of the State Board, staying the ouster order of Governor Kennon and Lieutenant-Governor Barham until the Board has had an opportunity to inquire into the matter, and I wrote to Governor Long yesterday in that connection. I am enclosing herewith a copy of my letter to him.

As I explained to the Governor, I have no desire to see Mrs. Clement maintained in her position if she has given cause

for being removed but, on the other hand, if she is being made the victim of conditions not of her making, then in my opinion her removal would be unjust, and the order should be vacated. All I have asked at this time is that the last minute ouster order be held in status quo until the present Board has inquired into the facts surrounding her dismissal, and I will appreciate it if you will do what you can toward securing the adoption of this resolution. The matter is extremely urgent if Mrs. Clement is to have a chance, and I will appreciate it if you will give the matter your immediate attention. Please call me by telephone if you have any questions about the matter.

Very sincerely yours,

/s/ JOHN T. CAMPBELL
John T. Campbell

JTC:as
Encl.

[fol. 1121]

PLAINTIFF'S EXHIBIT No. 262

(Letterhead of The Joint Legislative Committee, State of Louisiana, Baton Rouge)

February 7, 1959

MEMO:

TO: Registrars of Voters—Fourth and Fifth Congressional Districts

Representative Ford E. Stinson telephoned yesterday to say that he and Mrs. Mary K. Bryce, Registrar of Voters, Bossier Parish, had received information indicating that the NAACP was planning a "run" on Mrs. Bryce's office. So far, however, this run has not developed.

Mr. Stinson suggested that I pass this information on to you, so that you can be alerted to any general attempt by the NAACP to register voters in large blocs in violation of our laws.

W. M. Rainach

cc: Members of the Joint Legislative Committee

cc: Honorable Douglas Fowler

[fol. 1122]

SUPREME COURT OF THE UNITED STATES

No. 1073, October Term, 1963

LOUISIANA, et al., Appellants,

vs.

UNITED STATES

ORDER NOTING PROBABLE JURISDICTION—June 22, 1964

Appeal from the United States District Court for the Eastern District of Louisiana.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.